

United States Advocacy Letter Re Chemical Fracking and the US Safe Drinking Water Act

American Rivers - Center for Food Safety - Earthjustice
Earthworks/Oil and Gas Accountability Project - Environment America
Environmental Working Group - Food & Water Watch
International Center for Technology Assessment - National Alliance for Drilling Reform
National Audubon Society - National Wildlife Federation
Natural Resources Defense Council - Public Citizen's Energy Program
Rural Community Assistance Partnership, Inc. - The Wilderness Society
Trout Unlimited - Waterkeeper Alliance - Western Organization of Resource Councils

September 10, 2009

Dear Senator/Representative:

Our 160 national, regional, state and local organizations, including conservation, faith, sportsmen and community organizations, urge you to co-sponsor S. 1215/ H.R. 2766, the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act. This important legislation would repeal an exemption in the Safe Drinking Water Act (SDWA) for an oil and gas technique called hydraulic fracturing. It would also require public disclosure of the chemicals used in hydraulic fracturing fluids.

Oil and gas production is present in over 30 states, and a consistent national standard is needed for this practice. Hydraulic fracturing involves the injection of fluids into oil or gas wells at very high pressure in order to crack open the underground formation and allow oil or gas to flow out more easily. These fluids often contain toxic chemicals, some of which remain underground. The pressure places stress on the oil or gas well and can lead to unpredictable consequences. Our organizations represent communities across the country that are concerned about drinking water contamination linked to hydraulic fracturing operations. Reports of drinking water contamination come from Colorado, Texas, Arkansas, Ohio, Pennsylvania, Alabama and Wyoming.

While states regulate oil and gas production, state rules vary widely and a federal floor is needed. As stated in a study by the Hastings College of the Law, "many of the state regulatory schemes date from earlier waves of resource extraction, and have not kept pace with changed technologies, nor with a deepening concern for public health and the environment." For example, a recent report issued by the Ground Water Protection Council found that some states do not require a well's surface casing to be set through the deepest ground water zone. Protection of drinking water is a national concern that should not be left to a patchwork of state regulations

In 2005, Congress exempted hydraulic fracturing from the SDWA to the benefit of Halliburton and other oil and gas companies. It is time to close the Halliburton Loophole and hold the oil and gas production industry to the same standards as any other industry.

Most states have primacy for regulating underground injection; under this legislation EPA could allow states considerable flexibility to tailor their rules to local conditions. All Americans deserve to have their drinking water source protected from endangerment under federal law.

The right balance needs to be established between oil and gas development and protection of our precious and finite natural resources. Instead of that balance, however, provisions of some of our most critical federal environmental laws have exemptions for oil and gas production. In addition to the Safe Drinking Water Act, there are loopholes in the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. These loopholes should be closed, starting with the Halliburton Loophole.

We hope you will co-sponsor this sensible and important legislation to close the Halliburton Loophole in the Safe Drinking Water Act.

Signed,

National Organizations

American Rivers
Center for Food Safety
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Environment America
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Food & Water Watch
International Center for Technology Assessment
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Rural Community Assistance Partnership, Inc.
The Wilderness Society
Trout Unlimited
Waterkeeper Alliance

Regional Organizations

Appalachian Mountain Club
Chesapeake Bay Foundation
Delaware River Greenway Partnership
Delaware Riverkeeper Network
Greater Yellowstone Coalition
Highlands Coalition
Housatonic Valley Association
Midwest Organic and Sustainable Education Service

San Juan Citizens Alliance

Western Environmental Law Center
Western Organization of Resource Councils
WildEarth Guardians

State Organizations

Alabama

Black Warrior Riverkeeper

Arizona

Environment Arizona

Arkansas

Arkansas Conservation Alliance
Citizens Against Resource Exploitation (CARE)
Omni Center for Peace, Justice & Ecology

California

Ballona Network
Californians for Western Wilderness
Environment California
Grassroots Coalition

Colorado

Colorado Environmental Coalition
EcoFlight
Environment Colorado
Grand Valley Citizens Alliance
Majors Ranch Property Owners Association Environmental Impact Committee
Navajo Ranch Clean Water Preservation Committee
North Fork Ranch Landowner's Association
San Luis Valley Ecosystem Council
San Luis Valley Water Protection Coalition
The Citizen's Alliance for Responsible Urban Gas Drilling
Western Colorado Congress
Wilderness Workshop

Connecticut

Environment Connecticut

Florida

Environment Florida

Georgia

Citizens Organized for Pipeline Safety (COPS)
Environment Georgia

Illinois

Environment Illinois

Iowa

Environment Iowa

Louisiana

Lower Mississippi Riverkeeper

Maine

Environment Maine

Maryland

Environment Maryland

Massachusetts

Environment Massachusetts

Michigan

Citizens Against Environmental Destruction

Environment Michigan

Minnesota

Environment Minnesota

Montana

Environment Montana

Northern Plains Resource Council

Nevada

Environment Nevada

New Hampshire

Environment New Hampshire

New Jersey

Environment New Jersey

New Mexico

Blancett Ranches

Common Ground United

Drilling Santa Fe

Environment New Mexico

Gila Resources Information Project

New Mexico Environmental Law Center

New Mexico Wildlife Federation

Velasquez Ranch

New York

Atlantic States Legal Foundation, Inc.
Binghamton Regional Sustainability Coalition
Catskill Citizens for Safe Energy
Catskill Mountainkeeper
Citizens Campaign for the Environment
Environment New York
Environmental Advocates of New York
Hudson Highlands Land Trust
Hudson Riverkeeper
New Yorkers for Sustainable Energy Statewide
Northeast Organic Farming Association of New York, Inc.
NYH2O
Orange County Land Trust
Orange Environment, Inc.
PlanPutnam.Org
Putnam County Coalition to Preserve Open Space
Scenic Hudson
Shaleshock
The Ramapo River Watershed Intermunicipal Council
Theodore Gordon Flyfishers, Inc.

North Carolina

Environment North Carolina

North Dakota

Dakota Resource Council

Ohio

East Shore Unitarian Universalist Church, Environmental Action Group
Environment Ohio
Mentor Lagoons Preservation Committee
Northeast Ohio Gas Accountability Project

Oregon

Environment Oregon

Pennsylvania

Allegheny Defense Project
Berks County Conservancy
Cooks Creek Watershed Association
Damascus Citizens for Sustainability
Foundation for Pennsylvania Watersheds
Gaia Defense League

Green Valleys Association
Juniata Valley Audubon
Mountain Watershed Association
PennEnvironment
Pennsylvania Forest Coalition
Pennsylvania Organization for Watersheds and Rivers
Sagamore Estates Property Owners Association
Schmid & Company, Inc., Consulting Ecologists
Twin & Walker Creeks Watershed Conservancy
Twin and Walker Lakes Communities Coalition
Twin and Walker Lakes Watershed Conservancy
Twin Lake Preserve
Twin Lake Woods Property Owners Association
Twin Lakes Conservancy Inc.
Twin Lakes Property Owners Association
Walker Lake Landowner's Association
Youghiogheny Riverkeeper

Rhode Island

Environment Rhode Island

Texas

Blue Wind Partners
Citizens for Environmental Clean-Up
Environment Texas
Family Area Ministry & Education
Flower Mound Citizens Against Urban Drilling
Fort Worth Citizens Against Neighborhood Drilling Operations (FWCanDo)
Galveston Baykeeper
PARCHED
Texas Oil and Gas Accountability Project
Unity Church of Fort Worth
WE CAN (Working Effectively for Clean Air Now)

Utah

Colorado Riverkeeper
Southern Utah Wilderness Alliance

Virginia

Blackwater Nottoway Riverkeeper Program
Environment Virginia

Washington

Environment Washington

West Virginia

Greenbrier River Watershed Association
West Virginia Citizen Action Group
West Virginia Headwaters Waterkeeper
West Virginia Rivers Coalition
West Virginia Surface Owners' Rights Organization
Wetzel County Action Group

Wisconsin

Wisconsin Environment

Wyoming

Biodiversity Conservation Alliance
Clark Resource Council
Equality State Policy Center
Friends of a Legacy
Pavillion Area Concerned Citizens
Powder River Basin Resource Council
Upper Green River Valley Coalition
Wyoming Conservation Voters
Wyoming Outdoor Council