

Congress to Investigate Safety of Natural Gas Drilling Practice Known as Hydraulic Fracturing

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Guests:

- Josh Fox, director of [GasLand](#). Won Special Jury Prize for Documentary at the Sundance Film Festival. In GasLand, Josh Fox travels across the United States to meet people whose lives have been impacted by natural gas drilling.
- Lisa Bracken, lives on a wildlife sanctuary near Divide Creek in Colorado. Divide Creek suffered environmental damage in a blowout cause by natural gas drilling. She appears in GasLand.
- Joe Levine, co-founder of the groups [Damascus Citizens for Sustainability](#) and [NY-H2O](#), which oppose the gas drilling.



AMY GOODMAN: We turn now to the latest in the growing public scrutiny of the natural gas drilling practice known as hydraulic fracturing, or fracking. The House Committee on Energy and Commerce has launched an investigation into whether fracking is contaminating water supplies and posing other dangers to the environment and public health.

The Energy committee's top two Democrats, Henry Waxman of California and Ed Markey of Massachusetts, have asked eight oil-field companies to disclose the chemicals they've used and the wells they've drilled in over the past four years. Last week, Waxman also revealed two of the largest gas drilling companies have pumped hundreds of thousands of gallons of diesel-based fluids into the ground in violation of a voluntary agreement with the Environmental Protection Agency.

The developments come amidst a major environmental debate over hydraulic fracturing here in New York and surrounding areas. Both the federal EPA and New York City's environmental agency have come out against state plans to allow natural gas drilling inside the Marcellus Shale watershed, which supplies drinking water to some 15 million people, including nine million New Yorkers. On Wednesday, state regulators in Pennsylvania will open a public comment period on a proposal for drilling permits in the Delaware River watershed.

For more, we're joined by three guests.

Here in New York, Joe Levine is co-founder of the groups Damascus Citizens for Sustainability and NY-H2O, which oppose the gas drilling.

We're also joined by Josh Fox, director of the forthcoming documentary GasLand, which won the Special Jury Prize for Documentary at the 2010 Sundance Film Festival in Utah last month that Democracy Now! broadcast from for the week. In GasLand, Josh Fox travels across the United States to meet people whose lives have been impacted by natural gas drilling.

And we're joined on the phone by Lisa Bracken. She's in GasLand. She lives in a wildlife sanctuary near Divide Creek in Colorado. Divide Creek suffered environmental damage in a blowout caused by natural gas drilling.

Well, let's begin with Josh Fox. Absolutely incredible film, GasLand.

JOSH FOX: Well, thanks. Thanks a lot, Amy.

AMY GOODMAN: Tell us how you got interested in fracking and exactly what it is.

JOSH FOX: Well, my family's home is in the Upper Delaware River Basin on the Pennsylvania side of the Delaware River, and we were asked to lease our land for gas drilling. In 2008, we got a letter in the mail, offered a significant signing bonus of almost \$100,000. And then I heard reports of this technique called hydraulic fracturing and how dangerous it was and began to look into it and soon discovered a world of complete insanity: towns that were turned completely upside down, widespread water contamination, people that could light their water on fire right out of the sink, all manner of upheaval.

And for where I'm at, you know, in the Upper Delaware, which is part of a combined watershed that gives 15.6 million people their water, this was really alarming. And so, being a filmmaker, I got on the road and went to about thirty different states—the film focuses on about ten of them; it's a road movie—and, you know, went from place to place and discovered the same story, that the gas drilling companies were saying one thing and that the people were getting something quite different, and uncovered this Orwellian nightmare of, you know, people being promised a great deal of money and then, you know, ending up with towns that were ruined.

And so, you know, as I went along on this trip, I became more and more interested in how this happened and found out that the 2005 energy bill, which was pushed through Congress by Dick Cheney, exempted the oil and natural gas industries from the Safe Drinking Water Act.

AMY GOODMAN: Wait. Repeat that.

JOSH FOX: Yeah.

AMY GOODMAN: The 2005...

JOSH FOX: It's hard to believe—2005 energy bill, there's something in there called the "Halliburton Loophole," which exempts the natural gas industry, specifically for hydraulic fracturing, this technique, this new technique that they use to extract the gas, from the Safe Drinking Water Act.

And the technique itself injects an enormous amount of toxic material into the ground, causes these mini earthquakes through hydraulic pressure. A lot of that—and we don't actually know what's going on under the ground, because when the Safe Drinking Water Act—when they were exempted from the Safe Drinking Water Act, they—all the science stopped. The EPA was taken off the job. But what we were finding was—across the country were these chemicals showing up in people's water. Methane and other volatile organic compounds, such as benzene, toluene and xylene, were showing up in people's water supplies. And so, you know.

AMY GOODMAN: Josh, I hate to interrupt you for a clip of your own film—

JOSH FOX: That's alright.

AMY GOODMAN: —but let's turn to GasLand. In this clip, Josh visits the home of Mike Markham of Colorado. Markham demonstrates how his tap water is so toxic that he can set it on fire.

JOSH FOX: I saw it go up for a second.

MIKE MARKHAM: Yeah, we'll just give it a second here.

JOSH FOX: Whoa! Jesus Christ!

MIKE MARKHAM: That's the best I've done!

AMY GOODMAN: Now, that was amazing, but for our radio listeners, they might not understand what happened—

JOSH FOX: What just happened.

AMY GOODMAN: —in that wordless demonstration.

JOSH FOX: Well, this is Mike Markham, whose water supply is still hooked up. He noticed bubbling and gurgling in his well, and there was pockets of some kind of gas or air. And he—you know, when this happens and they complain to the Colorado Oil and Gas Commission, they come over and they stick a cigarette lighter underneath the sink to see if their water is flammable. So, a lot of people in that area, which is a heavy gas drilling area, would go ahead and test it themselves. And he discovered, lo and behold, that he could light his water on fire. So what you see right there is this enormous explosion coming right out of Mike's sink. I ended up doing it myself, you know, and lighting the water on fire out of the sink just moments after him.

AMY GOODMAN: Isn't water supposed to put out fire?

JOSH FOX: It is, you know, and in a lot of these cases, you have—

AMY GOODMAN: You have the cones, where you have someone take a cone and put it outside on their property.

JOSH FOX: Right.

AMY GOODMAN: We're showing this image now. Explain what it is.

JOSH FOX: Well, that's in Divide Creek in Colorado, where they had—hydraulic fracturing creates underground fractures. And in that case, they showed that this underground fracture migrated all the way up from, I think it was, a number of thousand feet down underground and got this plume of natural gas. And when you have natural gas unrefined, you have benzene and toluene and these other volatile organics that are carcinogenic going right up into the creek. They could light the creek on fire.

And, you know, this phenomenon of lighting water on fire is fairly widespread in these areas. And when that happens, the gas company will swoop in, replace the people's water supply, give them cisterns that they then fill up, you know, however much water they need. And in many cases—

AMY GOODMAN: And keep on filling up the cisterns.

JOSH FOX: Yeah. Well, in many cases, people have to sign a nondisclosure agreement just to continue to get that, that water.

AMY GOODMAN: Lisa Bracken, speaking of Divide Creek, Colorado, is with us now in—from Garfield County. Explain what happened to your family, Lisa, to your dad, to your property.

LISA BRACKEN: Hi. Well, before I really say too much, I'd like to sort of preface my comments with the fact that I'm not a Republican or a Democrat. I'm actually an independent voter, and I consider myself a person of common sense.

So, when EnCana came into our neighborhood back in 2003, it was—"Orwellian" is a pretty good word to describe it.

AMY GOODMAN: You said "EnCana"?

LISA BRACKEN: EnCana, yeah, EnCana Oil and Gas. That's the operator that's in our area and has been here for over half a decade. And, boy, I tell you, in that time, it was just unfathomable what we experienced. They came in just so aggressively and began exploration without, you know, obviously, sufficient regard for any kind of human health and safety, personal property rights, anything like that. And they were after one well in particular, because it sat on a very shallow formation, and they could get to it much more inexpensively by drilling fewer feet. And so, you know, they came in.

Word had it that there was a competition in this field between them and another crew working simultaneously in the area, which is common in the gas fields. I mean, anywhere these guys work on construction sites, you know, crews take great pride in sort of, you know, getting ahead of their competitors on the same job site. And there's, you know, good reason for that economically, but sometimes safety suffers. And in our particular case, you know, we think that's what happened.

They were working on the Schwartz Well, and they lost thousands of feet of cement. What that means is, when they were putting the—when they were drilling the hole to access the gas thousands of feet down—in our particular formation it's about 7,000 feet down—they encountered what they believe was a fault, a large fissure underground, which basically the wet cement fell into. So they were trying to case the side walls to keep gas from coming up, which really—it isn't a cohesive

cementing job anyway, even under the best circumstances, because it isn't required to be. But even the way they were doing it, they lost thousands of feet. Well, instead of re-cementing the job, they fracked it anyway. And so, you know, shortly thereafter, we saw gas seeping up in the creek.

That's—we're part of that clip. Where that clip does come from is that time period when we could actually light a match to what we called a "mother vent." It was about the size of a softball, bubbling with raw gas coming up. Of course, raw gas contains benzene, toluene, xylene, all kinds of toxic compounds. So it isn't just the frack fluid that we had to be concerned about coming up into the environment; it was also the natural gas. And boy, it was a monumental effort to get the state involved, because, once again, there was a lack of regulation. But—

AMY GOODMAN: Your dad used to drink the water on your property?

LISA BRACKEN: Yeah, he was an outdoorsman, and he would spend a lot of time in the canyon. When we bought this property twenty years ago, we dedicated it as wildlife habitat. And, you know, we'd looked everywhere all of our lives for a place that was quiet and peaceful. And we're very spiritual, Native American background. And so, it's very important for us to have that connectivity with nature.

And it has been constantly under siege since EnCana came into the neighborhood. Our wildlife population has dropped to maybe 15 to 30 percent of what it was, and that's on any given year since they've been here. So, we've found dead wildlife. And in absence of wildlife, we've found—I actually found and filmed a frog that I put on YouTube that was paralyzed in the most recent seep found in 2008. It was swimming near a gas expression. And that remains uninvestigated.

So, the fact that the EPA was taken off the job has been a very unfortunate thing. We have been largely unable to inspire our county, our state, the EPA, anyone, to even conduct groundwater monitoring, where we've actually had diesel compounds come up near where that frog was found, so—which, by the way, I rehabilitated. It was pretty neat to be able to get that frog back on its fours and put it back in the water. But I felt kind of bad about putting it back in the same water, so—

AMY GOODMAN: Your dad got sick?

LISA BRACKEN: He did. He died of pancreatic cancer several years ago.

AMY GOODMAN: At the age of...?

LISA BRACKEN: He was sixty-four. And there's no family history of anything like that. But he had been drinking the water. And we didn't know that the stuff was in it. And he always boiled it, because, you know, there's Giardia and other natural, you know, bacterial concerns, but he had been drinking it for probably a couple of months before we found out that there had been this blowout. You know, they didn't tell us. They don't tell you. You have to fight to find out what's going on.

AMY GOODMAN: Let me bring Joe Levine into the conversation—

LISA BRACKEN: OK.

AMY GOODMAN: —co-founder of Damascus Citizens for Sustainability and NY-H2O. Your group, why you got involved?

JOE LEVINE: We got involved solely on this issue, first in Damascus, Pennsylvania. I live in Brooklyn, but also live half—the other part of the time up in the Upper Delaware. In Damascus township, some people came to me, some farmers, and said, “We have an issue.” And it was sort of a slightly sinister operation where landmen were coming around and trying to sign farmers onto leases for gas drilling.

So we began an investigation into this, and it was really quite easy to find out what was going on. There were thousands, you know, hundreds of reports that we were able to find on the internet right away from Texas and Colorado and Wyoming and the West. And so, we formed an organization there to try and get the word out in the Upper Delaware and then thought we had to sort of enlighten the people in New York, so we formed NY-H2O, and because New York is significantly impacted.

Drilling is targeted for the New York City watershed, as well as the Upper Delaware River Basin—in fact, the entire southern tier, most of the entire southern tier of upstate New York, as well. And there could be 10,000 wells, 40,000 wells, 50,000 wells in this area that I talk about. And the impacts from this would be quite significant. And to allow this to happen in a watershed area, especially one like New York City’s, but anybody’s water supply, is potentially catastrophic. In fact, that’s what the New York City DEP said.

AMY GOODMAN: The Department of Environmental Protection.

JOE LEVINE: Yes, correct.

AMY GOODMAN: Let’s turn to another clip from GasLand. This is Dr. Theo Colborn, zoologist and expert on chemical pollution from fracking.

DR. THEO COLBORN: Every environmental law we wrote to protect public health is ignored. Once the public hears a story, and they’ll say, “Well, why aren’t we out there monitoring?” We can’t monitor until we know what they’re using. There’s no way to monitor. You can’t.

AMY GOODMAN: Josh Fox?

JOSH FOX: Well, I mean, this addresses, I think, what Waxman and Markey are doing. All throughout the nation, these—and this is in thirty-four states where we have this gas drilling happening. Theo Colborn is talking about the fracking chemicals. There’s 596 of them. They are proprietary, for the most part. We don’t know their compositions. We know something about them, but the companies are not required to disclose exactly what’s in those chemicals. The only reason we know something about them is because of Theo’s work looking into what’s called the manufacturers’ safety data sheets, real detective work, and her being a chemist, you know, looking into the health effects of those chemicals. This is what’s—

AMY GOODMAN: And you had the water analyzed as you traveled the country.

JOSH FOX: We did have quite a bit of testing. See, also in the 2005 energy bill, the burden of proof was shifted from the corporations to the citizens. So you have citizens all throughout these areas, which is a huge amount of the country, having to go out and try to prove, on their own, what’s actually happening. And there is no talented agency like the EPA who is being able to go in there and do the investigation that’s necessary. So people are doing things like getting their own

water tested, finding those air samples. You have a mayor in Texas who did his own air quality study, which found fifty-five times the level of benzene in the air.

AMY GOODMAN: Wait one second. This mayor is the mayor of Dish?

JOSH FOX: The mayor of Dish, yeah.

AMY GOODMAN: Right. Dish became famous. They renamed their town so that everyone in their town for ten years could get a dish, DISH Network?

JOSH FOX: Well, right. Yeah, that was a kind of a promotional thing. And it just sort of happened that he called—

AMY GOODMAN: But now they're seriously suffering.

JOSH FOX: Yeah. Well, he called me up, and he said, you know—this is the mayor of Dish; as I was driving, he heard that I was coming to Texas—“Come and take a look at what we've got going on here.” And so, you know, all throughout the country you have people who are conducting their own investigations. This is what I ended up doing in my film.

AMY GOODMAN: And Josh, you begin and end GasLand with the companies testifying. Where were they testifying? Because now we're going to see a congressional hearing.

JOSH FOX: That was in a—right, that was in a subcommittee hearing. I think it was the Subcommittee on Energy. They were looking into hydraulic fracturing. And there was some quite—

AMY GOODMAN: And they're testifying, saying they don't want to be regulated.

JOSH FOX: They were—well, in fact, they've already had \$140 million in the last couple of months, arguing against what's called the FRAC Act, which was proposed by Maurice Hinchey and Diana DeGette, which would repeal the Safe Drinking Water Act exemption. And it only has, I think, fifty sponsors at the moment, so it's also—there's a mirror bill in the Senate, which is Bob Casey and Chuck Schumer, I believe. But the FRAC Act would restore the Safe Drinking Water Act, and it's something that we talk about in the film. And, you know, in this congressional hearing, they're arguing very hard that they don't need to be regulated under the Safe Drinking Water Act.

And as Joe was mentioning, you know, all throughout New York state, and right now New York state is deciding what to do with their proposal for gas drilling. And, you know, in this region, this is a very, very serious issue for a huge amount of people's water supply, with these chemicals that contaminate in very, very small amounts. And just from what I saw going across the country in my investigation was that this was a problem everywhere I went.

So, the fact that the companies are lobbying so hard against it, I think—and then, in this congressional hearing, it's kind of amazing to watch. They get nailed. You know, they really can't stand up under the cross examination of Diana DeGette, which is pretty—it's really theatrical.

AMY GOODMAN: The Colorado Congress member.

JOSH FOX: Yeah, the congresswoman from Colorado. It's incredibly theatrical, too. It's a lot of—kind of fun to watch. And for me, you know, going from basically my back porch in Pennsylvania all the way across the nation to wind up in Congress, and watch these things play out, and certainly now with Waxman and Markey's committee calling for an investigation into the chemicals, it's amazing to have watched this thing go forward. So I think when you're able to see the whole film, I think there's a kind of mystery involved that's really thrilling. And so, it's great to be here to talk about it. At the same time, I think what I uncovered, you know, or what was coming to me through all these other people who were talking about it, is this incredible threat, you know, to the nation's water supply, but also to people's health. I mean, health problems throughout these regions are really rampant. So, to me, this is really a public health story.

AMY GOODMAN: Well, we're going to have to leave it there, but I thank you very much for this journey you took across the country. It is truly remarkable—

JOSH FOX: Thanks.

AMY GOODMAN: —what you have exposed. Josh Fox, director of the new film that won the Special Jury Prize at Sundance called GasLand. Joe Levine, co-founder of Damascus Citizens for Sustainability and NY-H2O, thanks for joining us. And also Lisa Bracken, speaking to us from right near Divide Creek in Garfield County in Colorado. She's one of the people that, well, Josh visits in GasLand.