

January 27, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

We, the undersigned organizations, ask you to provide the leadership necessary to compel a full investigation into water contamination from fracking in Texas and to take quick action to make sure affected residents are protected and have safe drinking water. This is especially pressing in light of a report by the EPA Inspector General and water testing results from Duke University that show that evidence of contamination from fracking remains clear and residents remain at risk. The previously closed EPA investigation into these matters must be re-opened.

EPA Administrator Gina McCarthy's recent letter in response to the Natural Resources Defense Council's request for the agency to reopen and complete the three investigations fails to provide the response needed to justify the agency's decision to withdraw from these studies. Most concerning is the EPA's suggestion that as long as the residents affected by contamination could find alternative water supply or treatment systems to reduce exposure, there was no need to finalize the investigation linking drinking water contamination to drilling. This was true even when EPA found elevated levels of contaminants, as evident in this excerpt from the letter:

“The EPA did find elevated levels of contaminants in Dimock well water at five homes at levels that could present a health concern. However, at the time that the agency concluded its work in Dimock, the residents had or were going to have their own treatment systems that reduce concentrations of contaminants to acceptable levels at the tap.”¹

This letter comes on the heels of the EPA Inspector General report on the EPA's investigation into claims of water contamination from fracking in Texas, released on December 24, 2013.² The Inspector General's report found that the EPA's initial investigation was justified, confirming that “the region's interactions with state officials and other stakeholders were appropriate and within Section 1431 [of the Safe Drinking Water Act] guidelines.”

The report also raised alarming questions about the EPA's decision to drop its investigation. As the report determined, the “EPA used its discretion in withdrawing the emergency order” ending its investigation with a questionable agreement with the drilling company to participate in a separate study, even when residents' drinking water was unsafe and scientific evidence pointed to the fracking site as the source of the contamination. Indeed, the Inspector General's report found that “the EPA lacks quality assurance information for the Range Resources' sampling program, and questions remain about the contamination.” In short, the overall and *current risk* to residents whose drinking water wells have been contaminated with high levels of benzene and explosive methane has not been determined, and the EPA needs to take action to assess the risk to the public.

Worse still, when the EPA withdrew the emergency order and reached a settlement with Range Resources in 2012, the agency agreed to rely on water quality tests conducted by the company itself. As the Inspector General's report noted, "EPA did not review or approve Range Resources' sampling protocol, nor did it review or approve the data collection and analytical methods during the course of the study."

On January 10, 2014, Duke University revealed that its independent tests of those wells found high, combustible levels of methane, contradicting the Range Resources tests that the EPA relied on, which found "no widespread methane contamination of concern in the wells that were sampled in Parker County."³ It is now apparent that the EPA abdicated its responsibility and local residents have paid the price.

This case is part of an alarming trend of the EPA dropping similar investigations into water contamination from fracking in Dimock, Pennsylvania and Pavillion, Wyoming. In the case of Dimock, it has since been revealed that EPA dropped its investigation even though the EPA Region 3 office in Philadelphia that was charged with monitoring the drinking water believed and argued that it should continue.⁴ In Pavillion, the EPA abandoned its investigation into water contamination even after linking high levels of chemicals, including benzene, to fracking - handing the investigation over to the state with ongoing research funded by EnCana, the same drilling corporation under investigation for the contamination.⁵

These three are among a growing number of cases of water contamination linked to drilling and fracking, and a significant and rapidly growing body of scientific evidence showing the harms drilling and fracking pose to public health and the environment. An Associated Press review released January 5, 2014 of complaints of contamination from drilling and fracking in four states found hundreds and hundreds of complaints and many confirmed cases of water contamination, noting that the review "casts doubt on industry suggestions that such problems rarely happen."⁶ Such information builds on evidence such as 2013 and 2011 Duke University studies linking fracking with nearby groundwater contamination, finding "systematic evidence for methane contamination of drinking water associated with shale gas extraction."^{7,8}

Of serious concern, the hundreds of chemicals used in fracking operations include many very toxic and carcinogenic chemicals. The implications for our fresh water sources and public health are grave. For example, a University of Missouri School of Medicine study released on December 16, 2013 linked fracking with dangerous hormone-disrupting chemicals in the water near fracking sites, including the Colorado River.⁹ Earlier in 2013, a University of Texas at Arlington study of fracking sites in Texas' Barnett Shale showed that "there are elevated levels of arsenic and other heavy metals close to natural gas extraction sites in the Barnett Shale area of North Texas" and that the compounds could end up in drinking water.¹⁰

In addition to concerns about water and public health, evidence that fracking greatly exacerbates climate change continues to mount. This summer, updated Intergovernmental Panel on Climate Change measurements show that methane is 34 times more potent in the atmosphere than CO₂ over a 100-year time scale and 86 times more potent over a 20-year time scale.¹¹ And as the New York Times reported¹² on November 25, 2013, a major study led by Harvard University found that the EPA is significantly underestimating methane emissions and that methane emissions from oil and gas activity could be five times greater than EPA estimates, building on prior evidence¹³ of significant methane leaks from drilling and fracking operations.

These are just a few examples of a significant and growing body of scientific evidence showing demonstrable harms to public health and the environment from fracking.¹⁴ Unfortunately, key members of your administration including Secretary of Energy Ernest Moniz, Secretary of Interior Sally Jewell and new EPA Administrator Gina McCarthy continue to make public statements touting fracking as safe, and dismissing concerns about water pollution and climate change, even when there is so much evidence to the contrary.

It is incumbent upon you to correct your administration's troubling abdication of responsibility and denial of the science on fracking and the harms it is posing to Americans across the country. As more than [250,000](#) Americans have already urged and the evidence compels, we ask that you swiftly act to re-open the EPA's investigations in Texas, Pennsylvania and Wyoming.¹⁵ We also ask that you meet with the victims of fracking and hear their accounts first-hand and also the leadership of Americans Against Fracking, as you and high ranking administration officials have had several meetings with industry leaders including your golf outing¹⁶ with executives at Western Gas Holdings and Gina McCarthy's recent meeting with the CEO of the American Gas Association about the expansion of shale gas development.¹⁷

Sincerely,

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cc: EPA Administrator Gina McCarthy

Secretary of Interior Sally Jewell

¹ Letter from EPA Administrator Gina McCarthy to Frances Beinecke of NRDC. January 10, 2014.
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