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# Congress of the United States

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October 8, 2002

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The Honorable Christine Todd Whitman  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Whitman:

I appreciate your rapid response to my letter of October 1, 2002 regarding EPA's use of technical information on the risk that the oil and gas drilling practice of "hydraulic fracturing" may contaminate underground drinking water supplies. However, your letter of October 3, 2002 only exacerbates my concern that EPA is altering, misusing, or ignoring technical data in a manner that benefits Halliburton.

So that there is no misunderstanding, I will address, once again, the change in the data that triggered my concern. Your letter of October 3, 2002 states that there was "no alteration in the data" and that "there was no discussion by Agency staff with industry sources."<sup>1</sup> Both of these assertions are contradicted by the document dated September 18, 2002 that EPA staff gave to my staff.<sup>2</sup>

The September 18 document contains two tables, which I have reproduced below.<sup>3</sup> The first represents EPA's estimate for benzene levels at the edge of the fracture zone based on the

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<sup>1</sup>Letter from Christine Todd Whitman, Administrator, U.S. EPA, to Rep. Henry A. Waxman, 1, 4 (Oct. 3, 2002).

<sup>2</sup>U.S. EPA, *Calculations for Estimating Fracture Zone Concentrations for Three Scenarios* (Sept. 18, 2002) (hereinafter "September 18 Document").

<sup>3</sup>*Id.* at 3-4.

methodology contained in EPA's original August report.<sup>4</sup> This table shows that EPA estimates that benzene levels at the edge of the fracture zone could be as high as 8.46 µg/L, which is clearly above the federal standard of 5 µg/L for benzene in drinking water.

**Table 2 - Low to High-End Fracture Zone Concentrations\***

Diesel Component	Edge of fracture estimated concentrations* (µg/L)			MCL (µg/L)
	Low	Medium	High	
benzene	0.64	2.87	8.46	5
toluene	1.05	7.10	13.98	1,000
ethylbenzene	1.06	7.11	13.98	700
xylene	1.05	7.08	13.92	10,000

\* Numbers do not represent actual concentrations but rather provide order-of-magnitude estimates

**Table 3 – Density-Adjusted Low to High-End Fracture Zone Concentrations\***

Diesel Component	Edge of fracture estimated concentrations* (µg/L)			MCL (µg/L)
	Low	Medium	High	
benzene	0.39	1.18	2.62	5
toluene	0.66	1.97	4.37	1,000
ethylbenzene	0.66	1.97	4.37	700
xylene	0.66	1.97	4.37	10,000

\* Numbers do not represent actual concentrations but rather provide order-of-magnitude estimates

The second table presents revised numbers. It shows that benzene levels at the edge of the fracture zone will not exceed 2.62 µg/L, which is below the federal standard of 5 µg/L for benzene in drinking water. Indisputably, this is an "alteration" of the data.

The September 18 document provides the following explanation for the change in numbers between the two tables:

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<sup>4</sup>See September 18 Document at 3; U.S. EPA, *DRAFT Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs*, 4-3 to 4-4, Table 4-2 (August 2002) (EPA 816-D-02-006).

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**EPA confirmed the volumes and calculations used** to estimate point-of-injection and edge of fracture zone concentrations **with industry sources**. **Based on that feedback, we changed** the point-of-injection concentration to more accurately reflect the actual density of the gel-water mixture. The estimated concentrations within the fracture zone changed as shown in Table 3.<sup>5</sup>

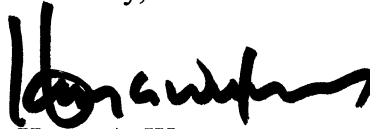
According to this written explanation from your staff, the reason the data was “changed” was “based on . . . feedback” from “industry sources.”

Your October 3 letter says that my letter “seriously undermines attempts to base environmental decisions on sound science.”<sup>6</sup> In fact, the whole purpose of my letter was to understand whether the basis for the “changed” data in the September 18 document was good science or the political influence of companies like Halliburton that benefit from the revised data. Your insistent denials that EPA did anything improper do not answer the important questions raised by my letter. And the indignation expressed in your letter is no substitute for facts.

For that reason, I request that you provide Congress with a substantive response that explains the basis for the changes in data made by EPA. As part of this response, please identify the specific “industry sources” referenced in EPA’s September 18 document. Please also provide copies of any materials the industry sources gave to EPA in support of these changes.

In addition, I would like an explanation of why your October 3 letter says that there was “no alteration in data” and “no discussion by Agency staff with industry sources” when EPA’s own September 18 document expressly says the contrary.

Sincerely,



Henry A. Waxman  
Ranking Minority Member

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<sup>5</sup>September 18 Document at 3 (emphasis added).

<sup>6</sup>Letter from Christine Todd Whitman, *supra* note 1, at 4.