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October 14, 2004

The Honorable Nikki L. Tinsley
Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Inspector General Tinsley:

I am writing to ask you to investigate whether political considerations improperly influenced a recent scientific assessment of the risks of hydraulic fracturing.

Hydraulic fracturing is widely used by the oil and gas industry to increase production from oil and gas wells. In this practice, fluid is pumped into a rock formation at high pressure to create fractures and prop them open, allowing more oil or gas to flow to the well. In June 2004, EPA finalized a study on the threat posed by hydraulic fracturing of coalbed methane wells to underground sources of drinking water.¹ This report concluded that hydraulic fracturing of coalbed methane wells poses little or no threat to underground sources of drinking water and does not justify additional study.²

According to a report in today's Los Angeles Times, career employees at EPA are questioning the study and its conclusions. A 30-year EPA veteran, Weston Wilson, who works on oil and gas development on public lands, stated "EPA produced a final report ... that I believe is scientifically unsound."³ The Los Angeles Times reports that the criticisms include EPA's reliance on voluntary industry actions to reduce risk, the use of a peer review panel with substantial conflicts of interest, and the failure to conduct any field investigations.

The concerns expressed by Weston Wilson find substantiation in the body of the report. The report concludes that hydraulic fracturing is not a threat to drinking water. But this conclusion is not supported by the actual findings in the report. EPA found that there are many

¹ U.S. EPA, *Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs*, June 2004 (EPA Report).

² *Id.* at ES-1.

³ *Halliburton's Interests Assisted by White House*, Los Angeles Times (Oct. 14, 2004).

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different compositions of fracturing fluids, some of which contain toxic chemical substances; that the toxic substances include diesel fuel, benzene, acetone, boric acid, ethylene glycol, isopropanol, hydrochloric acid, formic acid, and many others; and that the effects of these substances include cancer, birth defects, chronic effects such as damage to the lung, liver, kidney, heart, brain, and central nervous system, and acute effects such as eye, skin, and respiratory irritation.⁴

EPA examined the quantities injected for only one of these substances, the toxic constituents of diesel fuel, and found that the concentrations injected into a drinking water source were estimated to exceed EPA health based standards for drinking water.⁵ EPA found that some, but not all, of the fracturing fluids would be pumped out again and assumed that the remainder would be diluted to some unspecified degree.⁶ EPA made no quantitative assessment of the amount or toxicity of the fracturing fluids that could remain in the drinking water.

In short, EPA found that hydraulic fracturing can introduce numerous highly toxic chemicals into underground sources of drinking water. With respect to almost all of these toxic chemicals, the agency had no data on what quantities are injected, what quantities remain, whether the water would still be useable for drinking, and what the human health risks would be. Yet EPA reached the unsupportable conclusion that hydraulic fracturing poses little or no threat to these drinking water sources.

The intrusion of politics into scientific analysis is a serious matter. It leads to policies that are not supported by the scientific evidence, and it erodes public confidence in the integrity of EPA decision-making. I urge you to thoroughly investigate the June 2004 study on hydraulic fracturing, its scientific justification, and whether political considerations influenced the agency's conclusions.

Sincerely,



Henry A. Waxman
Ranking Minority Member

⁴ EPA *supra* note 1, at 4-2 through 4-10.

⁵ *Id.* at 4-11 through 4-19.

⁶ *Id.*