

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
SUBCOMMITTEE ON ENERGY & ENVIRONMENT**

***Fractured Science – Examining EPA’s Approach to Ground Water Research:
The Pavillion Analysis***
Wednesday, February 1, 2012

Chairman Andy Harris
Opening Statement

I want to welcome everyone to this morning’s hearing to examine EPA’s approach to ground water research near Pavillion, Wyoming.

The increased production and use of clean natural gas is the source of one of the few bright spots in our current economic climate. In 2010, the shale gas industry supported 600,000 jobs, and a Federal Reserve economist estimates that lower natural gas prices enabled by increased production saved American consumers more than \$16 billion in home energy costs in 2010. Wyoming is a perfect case study—tens of thousands of people are employed in oil and gas production, and royalties and taxes on that production delivered almost \$2 billion go to State and local taxpayer coffers—more than \$3,400 for every citizen in the State.

However, in a remarkable display of arrogance and disregard for the plain facts, the President last week proclaimed his support for expanded shale gas production, while at the same time allowing every part of his Administration—from the EPA to Interior to the CDC—to attack these practices through scientific innuendo and regulatory straight-jacketing.

In the past year, this Subcommittee has held numerous hearings on EPA’s use and abuse of science. Time and again we have demonstrated that this Agency is substituting outcome-driven science for rigorous objective science. EPA’s investigation of groundwater contamination in Pavillion appears to be yet another example of politics trumping policy and advocacy trumping science.

The scientific method is a process characterized by the development of a hypothesis, creation of a rigorous experiment to test it, documentation of observations and objective analysis of results. As far as I can see, EPA never managed to get farther than the first step.

EPA will no doubt emphasize today that this is a draft report that will soon undergo peer review. This fails to acknowledge, however, the impact this report has already had. The day after the draft report was released, the Governor of Delaware announced that it was the validation for his decision to vote against development of natural gas in Delaware River Basin. This illustrates the power of EPA's "press release science" to drive public opinion and even critical decisions by policymakers.

The key question before us today is, was the investigation conducted in a scientifically robust manner that justifies all this upheaval? I look forward to hearing from witnesses, but am concerned about indications that EPA's approach in Wyoming has been poorly conducted, unnecessarily alarming, and fits within a pattern of an outcome-driven, "regulate-for-any-excuse" philosophy at the Agency.

Transparency is central to getting to the bottom of these scientific questions. Regardless that the President boasts that he leads the "most transparent Administration in history" and despite receiving multiple requests from state, media, and interested stakeholders, it was not until late last night, that EPA finally disclosed data essential to meaningfully evaluate their findings. While I am pleased that EPA posted 622 documents to its website last night, it is unfortunate that this transparency appears to only have been compelled by the calling of a Congressional oversight hearing.

Compounding this problem is the complete failure to collaborate with experts and institutions with knowledge in the unique hydrogeology of this region. For example, the state of Wyoming, despite possessing decades of experience in ground water assessments, was not consulted with about the most important aspects of this investigation. The Agency did not even consult with the U.S. Geological Survey before releasing the report, a sister agency that has extensive understanding of aquifer complexity and geological characteristics

Also concerning is EPA's apparent failures to follow its own laboratory protocols, Superfund site requirements, peer review handbook, information quality guidelines, as well as USGS recommendations for drilling and sampling monitoring wells. Hypocritically, these are behaviors and practices that the Agency would not accept from any state or private sector entity conducting a comprehensive ground water investigation.

Finally, I'm afraid EPA's actions in Pavillion demonstrate a disturbing loss of perspective. The principle concern of this investigation should be the health and

welfare of the people living near Pavillion, WY. Unfortunately, in its single-minded pursuit of the hydraulic fracturing smoking gun, EPA appears to have lost focus on identifying the real causes of, and real solutions to, drinking water quality problems in Pavillion.

I want to thank the witnesses for appearing before the Subcommittee and I look forward to a constructive discussion.