

Mr. Edward Hanlon
Designated Federal Officer
U.S. Environmental Protection Agency

Re: Invitation for Public Comment on Nominated Candidates for the EPA Science Advisory Board Panel for the Hydraulic Fracturing Study Plan

October 1, 2010

Dear Mr. Hanlon:

Environmental Working Group (EWG) is pleased to provide these comments on the list of nominated candidates for the EPA Science Advisory Board (SAB) Panel for the Review of the Hydraulic Fracturing Study Plan.

EWG would like to ensure that this panel is knowledgeable about hydraulic fracturing, impartial and reflective of a diversity of backgrounds. The *Los Angeles Times* found that the seven-member review panel for EPA's 2004 study of hydraulic fracturing contained two members who worked for the natural gas and oil industry and four others who had previously worked for the industry.¹ For this new panel to have six out of seven reviewers with close drilling industry connections would be unacceptable. The EPA should also ensure that no one on this panel stands to benefit financially from this study of fracturing. This consideration should prohibit current drilling industry employees from serving.

We wish to comment on one particular nominee for the SAB, Michael J. Economides, who appears to lack the impartiality required to serve on the panel. In a Sept. 13, 2010 op-ed piece for the *Syracuse Post-Standard*, Mr. Economides wrote:

...the chemicals deployed during fracking operations are few in number and are not threatening. They are mostly gelling agents used to thicken water, providing for the transportation of particulates during the drilling process. In fact, these agents are not much different from common kitchen flour.²

By misstating publicly available information and accepted science on hydraulic fracturing, Mr. Economides appears to be biased in favor of a predetermined outcome to EPA's study – an outcome that would show no risks from fracturing.

While not all fracturing chemicals will be used in any one well, the range of fracturing chemicals likely to be used is not “few in number,” as Mr. Economides states.

¹ Hamburger, Tom and Alan C. Miller. “A Changing Landscape: Halliburton's Interests Assisted by White House,” *Los Angeles Times*, October 14, 2004 at A1.

² Economides, Michael J. “Environmentalists Wrong on Hydrofracturing,” September 13, 2010 A-11.

Drilling companies recently disclosed to the New York Department of Environmental Conservation the identity of some 250 chemicals used or proposed for use in hydraulic fracturing in the Marcellus shale.³

Nor are all chemicals used in fracturing operations “not threatening.” The EPA itself reported in its 2004 study of hydraulic fracturing that “the use of diesel fuel in fracturing fluids poses the greatest threat to [underground sources of drinking water] because BTEX compounds in diesel fuel exceed the MCL at the point-of-injection (i.e. the subsurface location where fracturing fluids are initially injected).” BTEX refers to benzene, toluene, ethylbenzene and xylene, while MCL means “maximum contaminant level.”⁴ The EPA has found that benzene can cause cancer, and toluene, ethylbenzene and xylene can cause liver and kidney damage and nervous system disorders.⁵ Three fracturing companies signed an agreement with EPA in 2003 stating that they would not use diesel in limited situations, but the U.S. House of Representatives Energy and Commerce Committee found this year that B.J. Services violated the agreement and that B.J. Services and Halliburton injected diesel in fracturing operations in at least 15 states in 2005, 2006 and 2007.⁶

Nor is diesel the only threatening chemical used in hydraulic fracturing. Drilling companies disclosed to the states of New York and Pennsylvania the use of two dozen petroleum distillates in fracturing operations including kerosene, mineral spirits and Stoddard solvent. These petroleum distillates typically contain the same BTEX components that are of great concern in diesel fuel which is also a petroleum distillate. Our review of the scientific literature on petroleum distillates and drilling information disclosed to New York State found that the petroleum distillates used in a single well could contain enough benzene to contaminate more than 100 billion gallons of drinking water to unsafe levels. New York State uses that much water every ten days.⁷

We urge you to choose experts for this SAB who understand and can dispassionately assess the potential risks of fracturing. Mr. Economides’ op-ed shows that he lacks such understanding and disposition. Please let us know if you have any questions.

Sincerely,

Dusty Horwitt
Senior Counsel
Environmental Working Group

³ New York Department of Environmental Conservation (NYDEC DSGEIS). 2009. Draft Supplemental Generic Environmental Impact Statement Relating to Drilling for Natural Gas in New York State Using Horizontal Drilling and Hydraulic Fracturing, Sept. 30, 2009, at 5-45 to 5-51.

⁴ U.S. Environmental Protection Agency, Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs, Final, June 2004, at 4-11.

⁵ Consumer Fact Sheet on Benzene, Consumer Fact Sheet on Toluene, Consumer Fact Sheet on Ethylbenzene, Consumer Fact Sheet on Xylene. Accessed online August 18, 2009 at www.epa.gov.

⁶ Waxman, Henry A. and Edward J. Markey. Memorandum to Members of the Subcommittee on Energy and Environment, Examining the Potential Impact of Hydraulic Fracturing, February 18, 2010.

⁷ Drilling Around the Law, Environmental Working Group, Jan. 20, 2010. Accessed online Oct. 1, 2010 at <http://www.ewg.org/drillingaroundthelaw>.