

*Binghamton, NY* - Congressman Maurice Hinchey (D-NY) today vowed to aggressively press for the passage of a bill he coauthored that would close a legislative loophole which exempts hydraulic fracturing for oil and natural gas exploration and drilling from regulation under the Safe Drinking Water Act (SDWA). While New York State law currently provides regulatory oversight for this process, such oversight varies considerably from state to state. The bill, H.R. 7231, would reinstate basic federal standards for hydraulic fracturing under the SDWA and enable the U.S. Environment Protection Agency (EPA) to protect drinking water supplies in states with little or no regulations.

"It's imperative that we safeguard our drinking water from any chemicals associated with natural gas drilling," Hinchey said. "I understand the desire to expand natural gas development across the country, but we must do so carefully and intelligently. I'm encouraged that the New York State Department of Environmental Conservation is working to safeguard our water resources in New York, particularly in the New York City Watershed and Delaware River Basin. However, we must ensure that drinking water in all states is protected from toxic chemicals associated with hydraulic fracturing. We must avoid a situation in which a generation or less from now, people shake their heads and wonder how our government could have been so short-sighted and foolish to exempt hydraulic fracturing from the Safe Drinking Water Act."

The hydraulic fracturing loophole was included in the Bush administration-backed Energy Policy Act of 2005, which Hinchey strongly opposed and voted against. Under the Safe Drinking Water Act, the Environmental Protection Agency (EPA) regulates the underground injection of fluids into groundwater through the Underground Injection Control (UIC) program. Some oil and gas production activities are already regulated by this program, such as enhanced recovery and waste injection. Hydraulic fracturing was not originally regulated by the UIC, but in 1997 the U.S. Court of Appeals for the 11th Circuit ruled that hydraulic fracturing should be regulated under this program in a case regarding the contamination of a drinking water well. The Energy Policy Act of 2005 legislatively reversed that court decision.

Hydraulic fracturing -- also known as "fracking" -- involves injecting fluids into a well at extremely high pressure to crack open an underground formation and then prop open the new fractures in order to facilitate the flow of oil and gas out of the well. More than 90 percent of oil and gas wells in the U.S. undergo this treatment with many undergoing it more than once over the life of the well.

"Congress must pass this bill to reverse the harmful provision in the Bush-administration

sponsored Energy Policy Act of 2005 that created the hydraulic fracturing loophole," Hinchey said. "We have an obligation to protect all Americans from the potential of our precious drinking water becoming severely contaminated."

Fracking fluids often contain highly toxic chemicals. A portion of the fluids are brought up to the surface, but a portion remains underground. Underground sources of drinking water could potentially be contaminated during the fracking process or from chemicals left underground. Hydraulic fracturing is already suspected of endangering drinking water in many places, including Colorado, Pennsylvania, Virginia, West Virginia, Alabama, Wyoming and New Mexico.