

Ithaca, NY - On the heels of House Speaker Nancy Pelosi's recent trip to Ithaca, Congressman Maurice Hinchey (D-NY) today urged the Speaker to bring his Fracking Responsibility and Awareness of Chemicals (FRAC) Act up for debate and a vote in the House. Hinchey's bill would close a loophole created in the Energy Policy Act of 2005, which he voted against, that exempted hydraulic fracturing from the Safe Drinking Water Act. The FRAC Act would also require the oil and gas industry to disclose the chemicals they use in their hydraulic fracturing processes. Currently, the oil and gas industry is the only industry exempt from the Safe Drinking Water Act.

"As the big energy companies prepare to start drilling for natural gas without federal regulation and without a requirement to disclose the chemicals they will inject into the ground, it is now more urgent than ever that we pass the FRAC Act," said Hinchey. "Today I sent a letter to Speaker Pelosi requesting that she help move this essential legislation forward. We've seen what happens when energy companies are granted unfettered access to our precious natural resources without proper oversight. In the wake of one of the largest environmental disasters in our nation's history, as millions of gallons of oil spew into the Gulf of Mexico, it is abundantly clear that we simply cannot rely on the promises made by those who have everything to gain and nothing to lose from drilling. We cannot allow drilling to move forward without rules in place to protect drinking water and our overall environment."

In March, the U.S. Environmental Protection Agency (EPA) announced the commencement of the Hinchey Study - a comprehensive investigation into the potential adverse impact that hydraulic fracturing may have on water quality and public health. Hinchey authored the provision that urged the EPA to conduct the study after questions were raised regarding the safety of the natural gas drilling process.

Hydraulic fracturing, also known as "fracking," is used in almost all natural gas wells. It is a process whereby fluids are injected at high pressure into underground rock formations to blast them open and increase the flow of fossil fuels. This injection of unknown and potentially toxic chemicals often occurs near drinking water wells. Troubling incidents have occurred around the country where people became ill after fracking operations began in their communities. Some chemicals that are known to have been used in fracking include diesel fuel, benzene, industrial solvents, and other carcinogens and endocrine disrupters.

The text of Hinchey's letter to Pelosi follows:

June 2, 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

Dear Speaker Pelosi:

Following your visit to Ithaca, New York this past weekend, I was heartened to read your comments about the importance of having federal standards in place for natural gas drilling in order to strengthen and complement state and local efforts. As you know, over the last several years I have had deep concerns about the environmental and public health risks associated with hydraulic fracturing, which is a drilling technique used to access natural gas reserves buried within rock formations. The drilling process involves injecting into the ground millions of gallons of water laced with sand and chemicals, some of which are known to be toxic. There are numerous reports that the practice has contaminated drinking water and surface water supplies, and negatively impacted air quality.

As a result of report language I secured in the FY 2010 Interior and Environment Appropriations bill, the Environmental Protection Agency is in the process of setting up a study to examine hydraulic fracturing and the risks it poses to our environmental resources. In addition, the House Energy and Commerce Committee has initiated an investigation into whether natural gas drilling companies are abiding by a 2004 voluntary agreement not to use diesel fuel in their fracturing fluids. Preliminary reports indicate that companies have broken their commitments.

While it is important that these dual efforts move forward, I believe it is equally important for the House of Representatives to move forward on legislation designed to close legal loopholes that have allowed natural gas drilling to operate with almost no federal safeguards in place. At the

behest of former Vice President Dick Cheney, the Energy Policy Act of 2005, which you and I opposed, exempted hydraulic fracturing from the Safe Drinking Water Act, making it one of only two practices in the United States that are exempt from this critically important law.

Congresswoman Diana DeGette, Congressman Jared Polis and I have introduced H.R. 2766, the Fracturing Responsibility and Awareness of Chemicals Act of 2009 to repeal this exemption and require that drilling companies publicly disclose the chemicals used in fracturing fluids. Independent of the EPA study and Energy and Commerce Committee investigation, I believe Congress must pass the FRAC Act as soon as possible. There is absolutely no justification for a practice such as hydraulic fracturing to be statutorily exempt from the Safe Drinking Water Act. Once the EPA concludes its study, the agency will need the ability to determine the appropriate regulatory steps to take, as is the case with all other industrial practices the agency examines. The agency should not be required to go to Congress to remove this special interest exemption in order to take action.

Given your longtime support for protecting public health and the environment, I strongly urge you to do all that you can to bring the FRAC Act to the floor of the House of Representatives for debate and a vote. Thank you for your consideration of this request.

Best regards.

Sincerely,

Maurice D. Hinchey

