

Federal Regulation of Hydraulic Fracturing

Background: The common and very necessary industry practice of hydraulic fracturing during the completion process has come under fire for nearly two decades. Through court challenges such as LEAF vs. the State of Alabama and EPA to recent attempts to federally legislate the process.

Congressman Henry Waxman (D, CA), then Subcommittee Chairman of Energy and the Environment, held hearings throughout 2008 to reinforce the idea that oil and gas was highly unregulated by the Federal government, and that loopholes in the regulatory framework allowed this to happen.

Early in 2009, Congresswoman Degette (D, CO) and Senator Casey (D, PA) filed legislation in their respective chambers to bring regulation of hydraulic fracturing under the jurisdiction of the EPA.

Nearly two years ago, the Liaison Committee of Oil & Gas Associations and IPAA launched an effort to answer critics, such as the Environmental Defense Fund (EDF) and the Oil and Gas Accountability Project (OGAP), who suggested that there was inadequate regulation of the completion process. Our effort is named BRIEF (Bringing Real Information on Energy Forward). We began by funding a study to list all the regulations controlling fracturing in each state. The Alliance participated in this effort from the beginning.

The Liaison project went hand in glove with another industry wide project embodied in the website EnergyInDepth. The website contains extensive information regarding the operational procedures of drilling and completing a well, including specifics regarding the hydraulic fracturing.

(A copy of a recent release from the EnergyinDepth is attached. Please take the opportunity to familiarize yourself with the site and its links and refer questioners to it.)

Additionally, the STRONGER committee of the Interstate Oil and Gas Association (IOGCC) has a working committee to frame a Best Management Practices (BMP) for state regulatory bodies for the regulation of hydraulic fracturing. Texas has two committee members, one being its chairman, Leslie Savage of the RRC.

Current Status: For now, all legislation has lost momentum and put on hold. However, it remains simmering beneath the surface obscured by the debates over healthcare, the budget deficits, and global climate change. There remains talk of legislation to mandate yet another study by EPA to be coupled with the work of the IOGCC committee.

Action: Alliance will continue to work against passage of hydraulic fracturing legislation to bring oversight under federal government.