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Shoot First, Ask Questions Later' Attack on Fracking

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The U.S. Environmental Protection Agency announced recently that the latest test results from groundwater in the Pavillion, Wyo. area are "generally consistent" with test results from late last year that showed possible contamination from hydraulic fracturing. The methods EPA used to conduct these tests have come under scrutiny, however, and the agency's recent issues with the "shoot first, ask questions later" approach should warrant additional caution about the conclusiveness of its findings in Wyoming.

According to a draft report released by EPA in December 2011, the agency's tests of two groundwater monitoring wells the agency installed in the Pavillion area in 2010 indicated "likely impact to ground water that can be explained by hydraulic fracturing." However, concerns about the testing methods and findings of the report, which EPA released hastily without peer review, were numerous. In one instance, the Wyoming State Director for the U.S. Bureau of Land Management sent a letter calling EPA's groundwater sampling "not statistically valid" and said the findings were premature. Additionally, state regulators in Wyoming expressed reservations about EPA's testing procedures, and requested an independent review from the U.S. Geological Survey. As such, EPA has delayed making a

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final determination about Pavillion pending a more thorough review of the data, and retesting by the Geological Survey.

[See a collection of political cartoons on energy policy.]

Although EPA has yet to make all of its latest retest data available, issues with the reliability of its procedures have already surfaced. According to the U.S. Geological Survey's report on Pavillion—which EPA claimed supports its own findings—the Geological Survey refused to take samples from one of the two monitoring wells (MW-02) because the water flow rate was inadequate for sampling. Moreover, the Geological Survey failed to detect several compounds in its samples that EPA's report documented, and a down-hole camera used by the Wyoming Department of Environmental Quality showed several problems with the construction of one of the monitoring wells. These are just a few of the inconsistencies and methodological errors that call into question the reliability of EPA's data, and they will need to be accounted for if EPA eventually follows through on its commitment to have the report peer reviewed.

While the EPA's plans for Pavillion remain in limbo, it is abundantly clear that something needs to be done about the agency's unfortunate tendency to shoot first and ask questions later. Pavillion is the third instance where EPA has attempted to prove that hydraulic fracturing contaminates groundwater, only to have their science questioned or their claims refuted entirely by tests. In Parker County, Texas, EPAdropped its 15-month long groundwater contamination case against a natural gas operator over elevated levels of methane in the water; EPA was unable to prove that the presence of methane was due to drilling in the area. As one of the Texas state regulators said at the time, "By dropping their court case and enforcement actions, EPA now acknowledges what we at the Railroad Commission have known for more than a year: Range Resources' Parker County gas wells did not contaminate groundwater."

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In another instance, EPA was concerned that hydraulic fracturing may have contaminated drinking water in Dimock, Pa. But after a repeat round of tests, EPA said that the water was safe.

In bypassing state regulators and making public announcements about what they think may be true—but often isn't—EPA is giving fodder to people who want to stop hydraulic fracturing and the natural gas it produces at all costs. The anti-hydraulic fracturing HBO documentary*Gasland* featured both Dimock and Parker County, as well as an interview with the former EPA Region 6 administrator who resigned in disgrace, Al Armendariz. And as the saying goes, even if EPA retracts its claims, it can't un-ring a bell—environmental groups like the one formed by actor Mark Ruffalo still maintain the water in these places is contaminated.

Going forward, it is critical that EPA be held to a higher standard for scientific rigor and transparency—the stakes are too high. The energy renaissance made possible by hydraulic fracturing has made the United States the world's largest producer of natural gas and helped increase U.S. oil production. This has meant lower natural gas prices, more job opportunities, and more economic growth. Moreover, with the advent of newly accessible shale gas supplies, we now have enough natural gas to last for at least a century at today's rates of consumption. The importance of safe hydraulic fracturing to America's energy future cannot be understated, and we cannot allow it to be jeopardized by sloppy, unsound science.

Thanks,

Moira