



EARTHWORKS

EARTHWORKS FACTSHEET

PROTECTING HEALTH, ENSURING ACCOUNTABILITY: Why we need the Fracturing Responsibility and Awareness of Chemicals Act (HR 1084 and S 587)

A loophole for oil & gas

Hydraulic fracturing – often called “fracking” – is an industrial practice in which water, sand, and chemicals are injected at high pressure into underground rock formations like shale to blast them open and increase the flow of oil and gas.

Despite the widespread use of this practice, and increasing evidence of the risks that the hydraulic fracturing process can pose to drinking water, the U.S. Environmental Protection Agency (EPA) does not regulate the injection of fracturing fluids under the Safe Drinking Water Act (SDWA). The oil and gas industry is the only industry in the United States that is allowed by EPA to inject known hazardous materials -- unchecked -- directly into or adjacent to underground drinking water supplies.

This exemption from the SDWA is known as the "Halliburton loophole" because it came about in large part as a result of the efforts of Vice President Dick Cheney's Energy Task Force and resulting energy legislation in 2005. Before taking office, Cheney was CEO of Halliburton, which patented the original type of hydraulic fracturing in the 1940s and remains one of the three largest manufacturers of fracturing fluids.

The FRAC Act would make our waters safer

The injection of unknown and often toxic chemicals (such as diesel fuel and benzene) frequently occurs near drinking water resources like household wells and aquifers. Many disturbing incidents have been documented around the country in which water has become contaminated and people have become ill after fracking occurred in their communities or near their homes.

The Fracturing Responsibility and Awareness of Chemicals Act (FRAC) Act would amend the SDWA to repeal the exemption provided for the oil and gas industry. As a result, the EPA would be able to regulate hydraulic fracturing and oil and gas companies would be required to publicly disclose the types, amounts, and combinations of chemicals they use in their hydraulic fracturing processes.

By requiring full, public disclosure of the chemicals used in the hydraulic fracturing process, the FRAC Act would give regulatory agencies and the public—including the people living near and directly impacted by oil and gas operations—the information they need to conduct comprehensive water testing and trace potential contamination. Without this information, oil and gas companies can continue to deny potential links between their activities and water contamination and, as a result, avoid liability for damage caused. And under the FRAC Act, companies would be allowed to keep specific proprietary formulas secure except in cases of a health-related emergency.

In addition, oil and gas companies would be required to apply for a permit from EPA before they inject chemicals near drinking water supplies. The oil and gas industry already complies with the SDWA for other processes, such as when they inject waste fluids after a well has been completed. The industry has already obtained approval for more than 150,000 injection wells including wells used to inject waste fluids from drilling such as fracturing fluids to ensure that these fluids do not pollute underground sources of drinking water

A well-regulated industry

Passing the FRAC Act is a critical step toward ensuring that oil and gas drilling in the United States occurs in the cleanest, safest, and most responsible manner possible. Federal regulatory changes are needed to ensure that drinking water, streams, rivers, wildlife, and the air we breathe are not polluted by dirty drilling practices.

While some states are stepping up and adopting chemical disclosure laws and other regulations on oil and gas production, these standards—and the protections they offer communities and the environment—vary widely. For this reason, a federal minimum standard is needed to prevent harm from occurring in the more than 30 oil and gas producing states.

More information about oil & gas exemptions and loopholes: oilgas-exemptions.earthworkSACTION.org