



# SAFE DRILLERS DON'T NEED THE LOOPHOLE

## Protect our Drinking Water: Close the Halliburton Loophole in the Safe Drinking Water Act

**Myth:** Closing the Halliburton Loophole will prevent hydraulic fracturing from being used and will impede oil and gas development.

**FACT:** Closing the Halliburton Loophole will not ban or prohibit the practice of hydraulic fracturing. Regulating hydraulic fracturing under the Safe Drinking Water Act will provide a minimum federal standard that will protect drinking water from contamination in all states and ensure that companies disclose the chemical constituents that are used in fracturing products. These two changes may result in more careful attention by state regulators to general well construction rules, but the biggest change will be public disclosure of the chemical make-up of hydraulic fracturing products.

It is important to remember that:

1. Industry associations such as the Independent Petroleum Association of Mountain States insist that hydraulic fracturing fluids are made up of 99.5% water and sand, with the remaining 0.5% containing “harmless” friction reducers, bactericides and emulsions that are similar to vegetable oil, chlorine, and elements found in cosmetic products.<sup>1</sup> Where this is actually the case, public disclosure of fracturing chemicals will simply provide long-term documentation of chemical use, and few immediate changes to current industry practice.

2. The industry is already using less toxic fracturing products and they are working to create non-toxic alternatives. For example, the industry is required under the Clean Water Act’s NPDES program to use alternative fracturing fluids in off-shore operations. Additionally, studies conducted by industry have found that some gas wells fractured with water without any additives produced more gas and cost considerably less to fracture than wells fractured with a gel comprised of chemicals.<sup>2</sup> Finally, sectors of the oil and gas industry are working diligently toward the broader use of non-toxic and less-toxic fracturing products. In 2004 BJ Services, one of the largest providers of fracturing services, presented information to the Society of Petroleum Engineers outlining the profit, environmental, public health and public relation factors that are driving the elimination of the most toxic and non-biodegradable chemicals in the industry.<sup>3</sup> The presentation noted that over 2,500 chemicals were in use in the industry in 2004, and suggested that 35-40% of harmful chemicals could be phased out without changing the use of existing technology.

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**For more information:**

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<sup>1</sup> Independent Petroleum Association of Mountain States. Hydraulic Fracturing Position Paper, 2009

<sup>2</sup> Environmental Protection Agency. Nov 15 2001. Summary of 10/31/01 Expert Panel Meeting on the Hydraulic Fracturing Study. Dallas, Texas pp. 6, 237-238.

<sup>3</sup> Phil Rae, 2004. “Eliminating Environmental Risks in Well Construction and Workovers.” <http://www.earthworksaction.org/pubs-others/SPE-Rae-DL.pdf>

