



**EARTHWORKS**

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TESTIMONY BEFORE THE MONTANA SENATE NATURAL RESOURCES COMMITTEE  
SENATE BILL 86  
HELENA, MONTANA  
JANUARY 21, 2011

SUBMITTED BY:  
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EARTHWORKS' OIL & GAS ACCOUNTABILITY PROJECT

Chairperson Barrett and Members of the Committee,

Thank you for the opportunity to testify on Senate Bill 86 addressing required disclosure of fracturing fluids. My name is Jennifer Goldman. I live and work in Bozeman, Montana, and I am the Public Health & Toxics Campaign Director for EARTHWORKS' Oil & Gas Accountability Project (OGAP). I stand in support of this bill.

EARTHWORKS' mission is to work with communities to address and reduce the impacts of mineral and energy development. We work with those communities in the Rocky Mountain West and throughout the country that are amongst the hardest hit by oil and gas development and its impacts. Our members often live within several hundred feet of drilling operations and networks of long-term production wells. We have 28,000 active members and offices in California, Colorado, Montana, New Mexico, New York, Texas and Washington, D.C.

EARTHWORKS and our members are fully in support of this bill. We consider it a common sense safeguard and modest step in preventing and reducing oil and gas contamination. We urge the committee to require the disclosure of fracturing fluids and pass this bill for several reasons.

First, not only do Montanans deserve to know what chemicals the oil and gas industry is injecting underground and storing on the surface near our homes and water wells, but also, as Montanans we know living and working on our land that almost everything is connected.

Fracturing fluids stored on the surface in a pit or a tank to be injected thousands of feet below the ground will volatilize into the air near peoples' homes and ranches, some may leak into your field on the surface, and industry is cracking open geologic formations far beneath the surface that may affect underground sources of water. Industry's activities and chemicals impact not only underground oil and gas formations, but they impact our air, soil, water and geologic formations that are interconnected beneath the ground.

That is why the state of Wyoming passed a similar, though more rigorous, disclosure requirement that not only requires the industry to disclose the chemicals and concentration used

in their fracking fluids, but also requires the reporting of important information as to pressures that will be used during high-pressured fracturing operation and the estimated fracture size and extent. Industry also has to disclose how much of the toxic fluids were retrieved instead of left behind in formations and geologic layers that are interrelated. The bill that is before the committee today is a common sense safeguard and critical first step in simply developing an inventory of what chemicals industry is using in our state.

Secondly, industry relies on technicalities to argue against disclosing the chemicals in their fracturing and drilling fluids. In Silt, Colorado, where a landowner discovered changes in her water well within days of a fracturing operation near her home and she later discovered 2-BE, a very toxic chemical, in her water. The oil and gas industry argued to the state Oil & Gas Commission that it was not the high pressure fracturing that released chemicals into the aquifer but it was faulty casing that was the problem. To say that fracturing was not to blame for this incident and thus fracking chemicals are not a public concern is splitting hairs. We know in Montana that everything within a system – whether it is our agricultural field or a gas well -- is related. Whether it is the practice of fracturing or faulty casing, a known chemical used in drilling products made its way into this landowners' water. Period. And, Montanans deserve to know the types of chemical types and volumes that industry is using not just in fracturing but in all drilling processes.

Incidents like this are why the State of Colorado passed and required disclosure of all drilling fluids, not just fracturing fluids. The bill that is in front of the Committee is a very reasonable first step. We need disclosure not only of fracturing fluids but all the chemical constituents used in the drilling, fracturing and workover operations of oil and gas wells.

Devon has said that 99% of fracturing fluids are water. While that may be true, it is again a technicality. One percent of these high volume hydraulic fracturing operations still include toxic chemicals. Several years ago, EARTHWORKS did a calculation of what this means in a typical fracturing operation in a deep shale formation. Less than one percent of chemicals means approximately 80,000 pounds of chemicals are transported onto the site and injected beneath the surface to complete the fracturing operations. I have fact sheets here for the committee to reference this example.

Finally, I want to emphasize the necessity of state level disclosure laws. While some initial steps have been taken towards requiring disclosure of fracturing fluids on the federal level, Montanans currently only have voluntary, industry data that is not enough to fully inform citizens.

The Department of the Interior has announced that they plan to undertake a disclosure requirement for oil and gas companies operating on federal leases, but the specifics of how this disclosure provision would be set up are unclear. It is also unclear how the information will be shared, or when during the process it will be made public.

On the federal legislative level, various disclosure provisions have been discussed over the past year, and the Fracturing Responsibility and Awareness of Chemicals Act, or FRAC Act, includes a public disclosure provision. Passage of the FRAC Act may be far off so states like

Wyoming and Colorado are taking matters into their own hands by passing disclosure requirements. I urge Montana to do the same on behalf of protecting the public health, property and environment of our citizens.

Thank you for the opportunity to testify today in full support of Senate Bill 86. I stand for questions.