

March 19, 2015

Dear Member of Congress,

We write to you today to urge you to cosponsor important legislation to help protect the environment and public health from the risks of oil and gas production including fracking (hydraulic fracturing). This set of bills is known as the “Frack Pack.”

Our nation continues to experience a rush of oil and gas drilling largely brought about by advances in fracking. This development often occurs in residential areas, near homes, schools, and playgrounds. Fracking is occurring in about 35 states and, according to *The Wall Street Journal*, more than 15 million Americans live within a mile of a well that has been drilled since 2000.

Scientific studies have shown that oil and gas development, including drilling, fracking, processing, and ongoing production is linked to hazardous air pollution, contaminated drinking water supplies, and toxic waste. Many of the pollutants released into the environment from these processes are known to cause harm to human health, including pollutants associated with cancer, respiratory diseases, reproductive problems, birth defects, neurological damage, and other serious illnesses.

In spite of these risks, the oil and gas industry has been given unprecedented exemptions from our nation’s bedrock environmental laws. Fortunately, legislation has been introduced to close the special loopholes in four of these statutes: the Safe Drinking Water Act, Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act.

Our 92 organizations urge you to cosponsor each one of these important measures. These common sense bills would ensure that oil and gas production and related activities, including drilling and fracking, are held to the same health and environmental standards as other potentially harmful industrial activities. State regulations vary widely but regardless of which state they live in, all Americans deserve to have minimum safeguards that apply to the oil and gas industry.

Please co-sponsor the following bills:

The FRAC Act (H.R. XXX, S. XXX) would close the so-called Halliburton Loophole in the Safe Drinking Water Act (SDWA) that exempts fracking from protections for underground sources of drinking water unless diesel is used in fracking fluid. This loophole was created in 2005 by Congress to benefit Halliburton and other fracking companies. It's time to reverse this unwarranted loophole for special interests. The FRAC Act would not ban fracking, mandate a new process, or require disclosure of proprietary trade secrets or confidential business information, but it would allow EPA to protect drinking water from contamination caused by fracking, require disclosure of fracking chemicals to the public, and help guard against earthquakes linked to fracking.

The BREATHE Act (H.R. XXX) closes loopholes in the Clean Air Act (CAA) that allow the oil and gas industry to emit significant amounts of toxic air pollution. Scientific evidence shows that oil and gas-related air pollution could cause major health impacts in communities. This pollution can even harm those who don't live in close proximity to wells, since some pollutants, like ozone, affect a whole region. The oil and gas industry is exempt from the CAA requirement that the emissions of multiple related sources under common ownership be aggregated to determine total emissions. As a result, closely associated wells and related facilities do not have to meet the same air quality standards for emissions of hazardous air pollution (including volatile organic compounds, smog-forming nitrogen oxides, and carcinogens) that other industries must meet.

The FRESHER Act (H.R. XXX) would close the loophole in the Clean Water Act (CWA) that endangers water quality near oil and gas production activities. The CWA is the foundational law that protects American rivers, streams, wetlands, and other waterways from pollution. Under the CWA, a permit is required for large-scale, ground-disturbing activities that increase stormwater runoff and the risk of water pollution. This important permitting requirement, however, has been waived for oil and gas production, even though the runoff from oil and gas well pads and related infrastructure can be contaminated with dangerous pollutants. Such runoff can and has polluted waterways—degrading water quality and damaging aquatic habitats. There is no reason oil and gas sites should be treated less stringently than industries like real estate development.

The CLEANER Act would close the loophole in the Resource Conservation and Recovery Act (RCRA) that currently allows toxic wastes from oil and natural gas production to avoid hazardous waste requirements. RCRA requires the safe handling, transport and disposal of hazardous wastes. In the 1980s, however, Congress exempted wastes from oil and gas exploration and production from RCRA's requirements for toxic waste, even though these wastes contain dangerous substances including benzene, acids, lead and other heavy metals, hydrocarbons including diesel fuel, and radioactive materials. As a result, oil and gas wastes are subject to a patchwork of inadequate state regulations, leading to the widespread mismanagement of these dangerous materials.

The SHARED Act would require testing of water sources near planned oil and gas operations before fracking begins, in order to establish baseline water quality conditions. Baseline testing is essential for an effective water protection regime. Among other things, it is an important tool in determining the source of water contamination and can reduce the costs of investigations. The U.S. Secretary of Energy Advisory Board called for mandatory background water measurements prior to production activity in order to provide an objective baseline for determining if drilling and hydraulic fracturing activity are responsible for water contamination. It is a win-win solution to improving water contamination investigations.

As drilling and fracking continue to expand across the nation, it is time to update the laws that have given the industry a free pass to pollute. The bills in the Frack Pack will help protect communities from the risks of oil and gas development. As Americans grow increasingly concerned about the impacts of this fracking boom, it is more important than ever that we hold

the oil and gas industry to the same health and environmental protection standards as other industries. Our organizations urge you to cosponsor these important bills.

Sincerely,

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