

## 17 GROUPS PETITION EPA FOR PUBLIC REPORTING OF CHEMICAL RELEASES FROM FRACKING, OTHER OIL AND GAS OPERATIONS

***127,000 Tons of Undisclosed Hazardous Emissions: Oil and Gas Would Join Other Industries, Including Coal, That Already Report to the Toxics Release Inventory; Federal Disclosure for O&G Not Yet Required Despite Surge in Fracking Chemical Pollution.***

**WASHINGTON, D.C.//October 24, 2012//**The Environmental Integrity Project (EIP), along with 16 other local, regional, and national organizations petitioned the U.S. Environmental Protection Agency today to require the oil and gas extraction industry—including companies engaged in fracking—to report to the Toxics Release Inventory (TRI). The oil and gas extraction industry has long used and released large amounts of TRI-listed toxic chemicals, and this has dramatically increased in the last decade with the rapid spread of horizontal hydraulic fracturing (or “fracking”).

Today’s petition would finally make this information available for the first time to citizens, communities, and lawmakers. The full text of the petition is available online at: [http://www.environmentalintegrity.org/news\\_reports.php](http://www.environmentalintegrity.org/news_reports.php).

Joining EIP on the petition are the Natural Resources Defense Council, Chesapeake Climate Action Network, CitizenShale, Clean Air Council, Clean Water Action, Delaware Riverkeeper Network, Earthworks, Elected Officials to Protect New York, Environmental Advocates of New York, Lower Susquehanna Riverkeeper, OMB Watch, PennEnvironment, Powder River Basin Resource Council, San Juan Citizens Alliance, Sierra Club, and Texas Campaign for the Environment.

**“The Toxics Release Inventory brings daylight to dark corners, by requiring companies to quantify and report their pollution to a public data base for everyone to see,”** said Environmental Integrity Project Director Eric Schaeffer. **“That makes it easier for communities to measure the environmental impact of local industries, motivates companies to reduce their emissions, and gives all of us insight into how well our environmental laws are working. The EPA estimates the oil and gas industry releases 127,000 tons of hazardous air pollutants every year, second only to power plants and more than any of the other industries already reporting to TRI. Why shouldn’t oil and gas companies be required to report these toxic releases under our Right-to-Know laws, like so many other industries already do?”**

The oil and gas extraction industry is a vast and growing industrial sector, operating in most states across the U.S. Oil and gas industry processes extend from well exploration to production and processing up to the point at which the natural gas is ready for transport to market or oil is ready for transport to a refinery. The advent of fracking has allowed the industry to grow even more rapidly in the last decade, but with the addition of greater amounts and volumes of toxic chemicals, more wastes, and a much bigger environmental footprint.

**“As a mother, wife, community member, and individual suffering health issues caused by breathing toxic emissions, such as benzene, from a natural gas compressor site, I am very concerned about the impact the oil and gas industry is having on human life and the environment,”** said Pam Judy, a resident of Carmichaels, Pennsylvania. **“I am dismayed that there is not an adequate federal disclosure requirement that would provide individuals with the information necessary to make decisions regarding their health and safety.”**

Data on the oil and gas industry (including fracking) points to a large toxic footprint. EPA has estimated that the industry emits 127,000 tons of hazardous air pollutants every year, including benzene, xylenes, and hydrogen sulfide—more than any other TRI industry except electric utilities. And EPA investigations of natural gas development in Pavillion, Wyoming, and Dimock, Pennsylvania, found toxic chemicals and methane present in groundwater and drinking water wells. In fact, a Congressional report based on industry data found that the industry regularly uses products containing at least 45 TRI-listed toxic chemicals, the most common of which are: methanol, 2-butoxyethanol, and ethylene glycol.

**“I don’t just work with Powder River Basin Resource Council members in Pavillion, Deaver, and Clark, Wyoming, who are severely impacted by contamination from oil and gas development. I also live with it,”** said Deb Thomas, Powder River Basin Resource Council organizer and resident of Clark, Wyoming. **“For those of us who fear our health is being affected by this industry, disclosure of the chemicals and constituents used during development is extremely important. We need to know what we’re being exposed to so that physicians can diagnose and treat our health problems and we can make informed decisions about staying in the communities we live in. It is a human right to know what toxic materials are being stored and used where we live and work.”**

In spite of these significant quantities of toxic chemicals used and released, the industry is one of the few energy or extraction sectors that do not report to the TRI. For example, electric utilities, coal mining, and metal mining have all reported to the TRI for nearly fifteen years. The oil and gas extraction industry is also uniquely exempt from many key provisions of our major environmental laws, including the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act.

**“Western Maryland currently has the highest targeted amount of shale gas within the state, and development activities will likely be centered in rural communities like Garrett County. Unfortunately, the county does not have the information or ability to address the storage of large volumes of chemicals, which may appeal to companies looking to stage drilling and processing activities within Maryland,”** said Eric Robison, CitizenShale president and resident of Garrett County, Maryland. **“The reporting provided by the TRI would allow a community like Garrett County to, first, be informed and, second, be prepared.”**

Today’s petition requests that the industry’s facilities report their releases of toxic chemicals to the TRI, as electric utilities and coal mining already do. The reporting requirement is annual, procedural, and simply requires disclosure. These reports would provide a valuable resource to communities, lawmakers, and the companies themselves. For example, if a gas company were to propose a facility in a municipality, a community member or local decision maker could pull up the company’s past TRI reports and judge whether the facility would be a good neighbor. Or the company itself could compare its releases against other facilities and determine whether it is in line with the industry standard. Above all, the petition would serve a fully informed public and industry responsibility.

The TRI was enacted in 1986 as Congress’s response to the Bhopal disaster that exposed hundreds of thousands of people to toxic chemicals. The TRI requires each industrial facility to report annually on its releases of over 650 TRI-listed toxic chemicals to the air, land, water, landfills, treatment plants, and other sites. The reports published in the Inventory are available online, providing basic but essential information about the environmental “footprint” of facilities.

## **ABOUT EIP**

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: (1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; (2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and (3) to help local communities obtain the protection of environmental laws.

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## STATEMENTS OF PETITIONERS

### National

Lynn Thorp, national campaigns director, Clean Water Action: “Inclusion of oil and gas sector pollution data in the Toxics Release Inventory is long overdue, and will provide people the information they need to protect their health, their drinking water, and their communities.”

Bruce Baizel, senior staff attorney, Earthworks: “Industry claims oil and gas development is safe. Yet it blocks access to the information the public needs to judge for themselves. EPA can and should stop the oil and gas industry from talking out both sides of its mouth, and require it to report its chemical releases to the Toxics Release Inventory.”

Amy Mall, senior policy analyst, Natural Resources Defense Council: “The oil and gas industry has enjoyed exemptions from our most important environmental laws for far too long. EPA has a responsibility to look out for the best interests of Americans’ health and environment – not polluters. It’s time for the fracking industry to report the chemicals they release into our communities, just like other businesses must.”

Sean Moulton, director of Federal Information Policy, OMB Watch: “No state is requiring enough upfront collection of baseline data and ongoing monitoring to adequately protect local water supplies and public health. Citizens need adequate information to evaluate the potential risks of allowing fracking in their communities. At the federal level, the EPA should add the oil and gas extraction industry to the Toxics Release Inventory program to help fill the information gap that currently exists.”

Deb Nardone, Beyond Natural Gas Campaign director, Sierra Club: “People have the right to know when the oil and gas industry dumps toxic pollution into our air and water, and it’s high time the gas industry started playing by the same rules as everyone else. We strongly urge the Environmental Protection Agency to require mandatory reporting and tracking of all the toxic chemicals that the gas industry uses and releases into our communities.”

### Pennsylvania

Delaware Riverkeeper Maya van Rossum: “Communities are already suffering from the environmental and health impacts of the shale gas industry’s use of hundreds of chemicals in the drilling and fracking of thousands of wells, with no idea of which chemicals are responsible for these impacts. Industry cannot truthfully claim that fracking is safe while refusing to disclose what toxics it puts into drilling muds and fracking fluids and what toxics come out of its wells. Our right to know what is contaminating our water, air, and soil so we can take the necessary steps to protect our families, communities, and the ecosystems on which we all depend fundamentally outweighs the industry’s interests in keeping its toxic cocktails secret.”

Guy Alsentzer, staff attorney, Lower Susquehanna Riverkeeper: “The TRI petition is a logical and important step toward better, safer regulation of a polluting industry. Inclusion of the oil and gas industry within the TRI will increase public knowledge and create a meaningful mechanism for better tracking and reducing the use and release of toxic chemicals in our air, waterways and lands, tasks especially important as natural gas hydrofracking operations continue apace.”

David Masur, director, PennEnvironment: “The ‘Right-to-Know’ principle is the cornerstone of making environmental decisions—and every basic decision in a democratic society. Without having the facts, we hinder the ability of every-day Americans from making thoughtful decisions for their own good and good of the public. The ‘Right-to-Know’ principle gives Americans access to crucial information in order to make informed decisions.”

## **New York**

Katherine Nadeau, Water & Natural Resources Program director, Environmental Advocates of New York: "As Governor Cuomo contemplates permitting the dirty gas drilling technique known as 'fracking,' New Yorkers along with our state and federal leaders need to protect what matters most—our public health, communities, and natural environment. The U.S. Environmental Protection Agency can require the gas industry to report the harmful chemicals it uses and toxic wastes it produces, and the agency should act now to provide decision-makers and citizens nationwide with this critical information."

Dominic Frongillo, Deputy Town Supervisor of Caroline, New York, and Founder of Elected Officials to Protect New York: "Over 450 elected officials from across New York are calling for continuing the state's moratorium on fracking until the drilling method is proven safe. Requiring disclosure of fracking chemicals is the common-sense first step. We need the federal government to be a leader and advocate for our citizens."

## **Maryland**

Diana Dascalu-Joffe, senior general counsel, Chesapeake Climate Action Network: "On behalf of our more than 60,000 supporters in Maryland and Virginia, we're calling on the EPA to hold the oil and gas industry accountable to the same standards as other industries and tell the truth about the toxic chemicals that they spill into the environment. Communities in Maryland and Virginia where the industry wants to frack deserve to know what dangerous toxins are already impacting communities on the front lines of fracking in neighboring states. This is especially important because rural regions of Maryland and Virginia have little access to expert emergency services trained to deal with toxic chemical spills or releases."

Eric Robison, president, CitizenShale: "Western Maryland currently has the highest targeted amount of shale gas within the state, and development activities will likely be centered in rural communities like Garrett County. Unfortunately, the county does not have the information or ability to address the storage of large volumes of chemicals, which may appeal to companies looking to stage drilling and processing activities within Maryland. The reporting provided by the TRI would allow a community like Garrett County to (1) be informed and (2) be prepared."

## **Colorado**

Dan Randolph, executive director, San Juan Citizens Alliance: "The San Juan Basin of Colorado and New Mexico has over 33,000 oil and gas wells. It is critically important that the public knows the risks to public health from this tremendous amount of activity. The Emergency Planning and Community Right-to-Know Act, and the Toxic Release Inventory, must include oil and gas extraction if our communities are to be able to assess and cope with the impacts associated with this development."

## **Wyoming**

Deb Thomas, organizer, Powder River Basin Resource Council and Clark Resource Council: "I don't just work with Powder River Basin Resource Council members in Pavillion, Deaver, and Clark, Wyoming, who are severely impacted by contamination from oil and gas development. I also live with it. For those of us who fear our health is being affected by this industry, disclosure of the chemicals and constituents used during development is extremely important. We need to know what we're being exposed to so that physicians can diagnose and treat our health problems and we can make informed decisions about staying in the communities we live in. It is a human right to know what toxic materials are being stored and used where we live and work."