

# Hydraulic Fracturing Exclusion from the Safe Drinking Water Act



The Industrial Minerals Association – North America (IMA-NA) opposes S. 1215 and H.R. 2766, legislation to eliminate the exemption for hydraulic fracturing in the Safe Drinking Water Act (SDWA). These bills, which were introduced by Senator Robert Casey Jr. (D-PA) and Representative Dianna DeGette (D-CO), would impose significant burdens on the businesses that enable the development of domestic energy production through hydraulic fracturing, and disrupt the marketplace of those who supply materials in support of this vital industry. The bills do so without scientific justification. However, IMA-NA supports voluntary efforts on the part of the hydraulic fracturing industry to disclose the constituents of hydraulic fracturing fluids in a manner that protects important trade secret information.

The industrial minerals industry is committed to operating its businesses in a manner that protects the environment and public health, and that permits a continuing ‘social license’ to operate. The nature of industrial minerals extraction tends to be environmentally benign relative to chemical usage and other destructive processes associated with other types of mining. For instance, bentonite mining often leaves closed mine sites in an improved condition supporting new wildlife and wetlands. Also, the environmental and social performance of our member companies has been nationally recognized. One industrial sand company twice received an award from the U.S. Chamber of Commerce as the leading national company in Corporate Stewardship (Small/Mid-Size Business), and another industrial sand company was named Best Small Company to Work for in America by the Society for Human Resources Management. The industrial minerals industry takes seriously our commitment to social, environmental and economic responsibility.

The industrial minerals industry extends its concern for environmental stewardship to the products in which our materials are used. Minerals such as industrial sand, bentonite and barite are common components in hydraulic fracturing fluid. The benign nature of our minerals precludes any environmental concerns relative to hydraulic fracturing, and our minerals are not the object of this legislative initiative. But we have a vested interest in the integrity of the hydraulic fracturing marketplace, and we therefore have taken an interest in the claims that the other components in the fluid could pose an environmental and public health risk by potential contamination of drinking water.

The U.S. Environmental Protection Agency (EPA), in a 2004 study, stated “that the injection of hydraulic fracturing fluids into coal-bed methane (CBM) wells poses minimal threat to underground sources of drinking water (USDWs). In its review of incidents of drinking water well contamination believed to be associated with hydraulic fracturing, EPA found no confirmed cases that are linked to fracturing fluid injection into CBM wells or subsequent underground movement of fracturing fluids.” Various studies by state regulators likewise have concluded that there are no confirmed cases of contamination of drinking water sources due to hydraulic fracturing.

IMA-NA believes that hydraulic fracturing already has been extensively studied and that further study is unnecessary and would be a waste of limited agency resources. If the Agency determines that further investigation is necessary, EPA can initiate such a study at its own discretion without the need for legislative action. IMA-NA would cooperate with EPA in any such study in anyway possible.

Finally, IMA-NA is committed to voluntary industry efforts that ensure the integrity of the environment and public welfare. IMA-NA encourages the hydraulic fracturing industry to disclose the chemical constituents of hydraulic fracturing fluids in a manner that protects any proprietary information. IMA-NA also supports the development of voluntary industry standards related to hydraulic fracturing general operating procedures. Such efforts, for example, could be possibly coordinated by ASTM International or the American Petroleum Institute.

Hydraulic fracturing has been used to drill over one million wells during the past 50 years. During that time the process of hydraulic fracturing has been regulated by the states as part of their oil and gas regulatory programs. At the same time, there have been no verified incidents of water table contamination. The regulatory resources of the country should not be spent on issues where Federal research indicates no hazard, especially if a secondary result is the needless destruction of businesses that generate vital domestic energy, reduce energy costs, decrease dependence on foreign oil sources, employ thousands of people and contribute to an economy that remains unstable. Thus, IMA-NA does not support this legislative effort, but IMA-NA will cooperate with further research that informs questions of science, and supports the efforts of the hydraulic fracturing industry to address perceived health concerns proactively through education and other voluntary efforts.

IMA-NA is a trade association created to advance the interests of North American companies that extract or process minerals used throughout the manufacturing and agricultural industries. IMA-NA stands ready to participate constructively in this important discussion regarding the social and economic benefits of hydraulic fracturing.