



Sign of the Times

NY Times – America’s “paper of record” – re-writes history of hydraulic fracturing, uses schoolyard attacks to defend endorsement of DeGette’s FRAC Act

The New York Times prides itself as the paper of record in the United States, an outlet entrusted with setting the news and opinion agenda for the nation thanks to its uncommonly high standards of accuracy and fairness. But if [yesterday’s editorial offering on hydraulic fracturing](#) is any indication, the paper’s definition of “all the news that’s fit to print” has apparently loosened up a bit over the years -- so as to render itself completely unrecognizable relative to its former self.

That’s the only conclusion one can reach in [reading the paper’s](#) editorial on Tuesday. One-part revisionist history, one-part direct advocacy on behalf of [the FRAC Act](#), the piece adopts a familiar tactic among opponents of responsible energy development: Break off legitimate debate, scurry off to the closest, safest corner, and commence launch of ad hominem attacks upon those with whom you disagree. [This section](#) is typical of the piece:

Among the many dubious provisions in the 2005 energy bill was one dubbed the Halliburton loophole, which was inserted at the behest of — you guessed it — then-Vice President Dick Cheney ... It stripped the Environmental Protection Agency of its authority to regulate ... hydraulic fracturing.

Quite a story to tell: Unfortunately, not a single bit of it is true. Hydraulic fracturing [has never been](#) regulated nationally by EPA — not today, not before the bipartisan 2005 energy bill passed ([supported](#) by then-Sen. Barack Obama), not at any point during the 35-year run of the Safe Drinking Water Act (SDWA).

As for the former vice president? He didn’t have a damn thing to do with Congress’s decision to clarify the intent of SDWA as it related to fracturing; that honor goes to a fella named David Ludder, [whose mid-1990s lawsuit on hydraulic fracturing](#) created the need for Congress to provide one final stroke of guidance on what SDWA was written to do, and what it was not.

Thankfully, fracturing continues to be aggressively regulated by the states [through their respective groundwater protection](#) programs — and has been since the technology was first invented. How can something earn an exemption from a law that never regulated it in the first place? That’s what EID member Dennis Lathem of the [Coalbed Methane Association of Alabama](#) wants to know in a letter he submitted to the Times -- about 12 seconds after the editorial was posted on the website:

Hydraulic fracturing has NEVER been regulated under the Safe Drinking Water Act ... This was never the intent of Congress and it is NOT the way EPA, state oil and gas and environmental regulators around the country believe the SDWA should be implemented.

Need more proof [that EPA has never](#) had the ability, responsibility, or (frankly) the authority to unilaterally step in and claim regulatory authority over fracturing from the states? Don't take Dennis's word for it – just ask former EPA administrator (and current Obama energy czar) Carol Browner. [Here's her take](#) on the issue:

EPA does not regulate – and does not believe it is legally required to regulate – the hydraulic fracturing of methane production wells ... Moreover, given the horizontal and vertical distance between the drinking water well and the closest methane gas production wells, the possibility of contamination or endangerment of [drinking water] in the area is extremely remote.

Hydraulic fracturing is a popular topic of conversation these days in New York; no fewer than 25 newspapers across the state have run articles on the Marcellus Shale, and at least 15 of them, by our count, have rendered their own editorial opinions, suggestions or observations.

But would you believe it if we told you that the venerable New York Times, with a [circulation of 928,000 in print](#) and millions more online, is the only one to suggest that hydraulic fracturing was previously regulated by EPA? The only one to [parrot a claim not even ProPublica](#) stands four-square behind any longer? The only one to uncritically accept as fact that which was previously only taken seriously by fringe groups such as OGAP and NRDC?

The old grey lady – apparently, she ain't what she used to be. And in 150 words or less, that's precisely the message that [Energy In Depth](#) attempted to convey in a letter to the editor submitted yesterday:

To read the Times' editorial on hydraulic fracturing is to better understand how a 60-year record of safety can be completely dismissed with the utterance of a single word: Halliburton. Unfortunately, faced with a choice between adding substance to the debate and providing a platform for schoolyard insults, the Times took the easy way out.

Whether the Times decides to run any of these responses, it's too early to tell for sure. Naturally, we've been told our submissions will be scrupulously read and forthrightly considered; less clear is whether they'll actually be [understood](#). If previous signed opinion pieces [written by the Times' environmental editorial writer](#) are any indication, we shouldn't hold our breath. Of course, that doesn't mean we should hold our fire either.

- **Fact Sheet:** [HF Opponents Say the Darndest Things](#)
- **Press Release:** [Duplicative hydraulic fracturing rules could imperil U.S. economy](#)
- **Wyoming Memo:** [Mind the O-Gap](#)
- **GWPC Study:** [State Oil and Natural Gas Regulations Designed to Protect Water Resources](#)
- **Graphic:** [How Far Down Do We Frac?](#)
- **Graphic:** [What's In Frac Fluids?](#)
- **EPA Study:** [Study to Evaluate the Impacts to USDWs by Hydraulic Fracturing of Coalbed Methane Reservoirs](#)
- **Browner Memo:** [Letter of Support for Hydraulic Fracturing from Carol Browner, Fmr. EPA Administrator](#)