April 27, 2010

The Honorable Henry A. Waxman
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Edward J. Markey
Subcommittee Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman and Subcommittee Chairman Markey:

As bipartisan Members of the House Energy and Commerce Committee, we are writing to express concern with legislative efforts to regulate hydraulic fracturing under the Safe Drinking Water Act (SDWA). Specifically, we are urging your support for maintaining the exemption of hydraulic fracturing from the provisions of the SDWA, especially in light of no federal studies indicating that the time-honored practice has contaminated drinking water supplies.

Hydraulic fracturing plays a major role in the development of virtually all unconventional oil and natural gas resources – as you mentioned in your memo to members of the Energy and Environment Subcommittee on February 18th of this year – and thus should not be limited in the absence of any evidence that fracturing has damaged the environment. In fact, according to the Interstate Oil and Gas Compact Commission (IOGCC), approximately 35,000 wells are hydraulically fractured annually in the United States and close to one million wells have been hydraulically fractured in the United States since the technique's inception more than 60 years ago, with no known harm to groundwater.
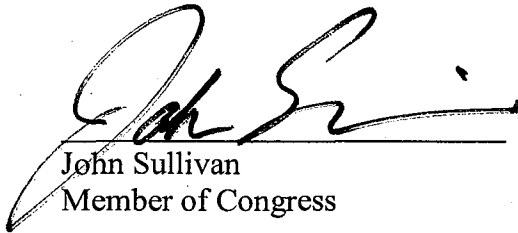
It is our view that U.S. Environmental Protection Agency (EPA) regulation of hydraulic fracturing under the SDWA would add burdensome and unnecessary regulatory requirements to the drilling and completion of oil and gas wells, which could result in increasing costs of producing domestic natural gas resources without any additional benefit to public health, safety or the environment. This is especially concerning in light of little to no evidence that the use of hydraulic fracturing has contaminated drinking water supplies. Last year, Congress directed the EPA to conduct another study of the environmental management of hydraulic fracturing. We believe it would be short-sighted and potentially economically devastating for the committee to pass legislation placing hydraulic fracturing under the SDWA in the absence of a complete study.

It is important to note that the primary and successful regulation of oil and gas exploration and production activities, including hydraulic fracturing, has traditionally been the province of the states. Therefore, we believe that state regulatory agencies are the most appropriate regulatory bodies to provide oversight and protection of hydrologically and environmentally sensitive localities as they relate to hydraulic fracturing.
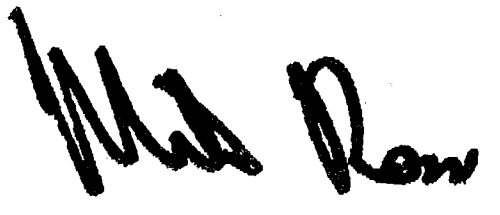
The significance of keeping the regulation of hydraulic fracturing with the states is also important from an economic and national energy security perspective. According to the National Petroleum Council, 60% to 80% of all wells drilled in the United States in the next decade will require fracturing to remain viable, which is why it is critical that efforts to regulate hydraulic fracturing under the SDWA do not happen as it could severely curtail job growth and at the same time, U.S. energy reserves.

We applaud your recognition of the importance of hydraulic fracturing to the recovery of unconventional oil and natural gas resources, but urge you to refrain from moving forward legislatively at this time. We look forward to working with on this critical economic and national energy security issue.
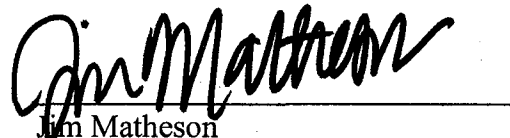
Sincerely,

John Sullivan
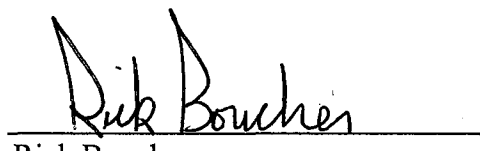Member of Congress

Mike Ross
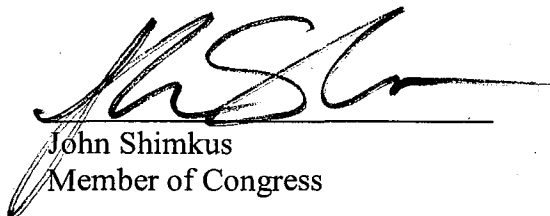Member of Congress

Joe Barton
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Jim Matheson
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Fred Upton
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John Shimkus
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