



November 3, 2014

Editor & Publisher
ATTN: Martha McIntosh
17782 Cowan
Suite C
Irvine, CA 92614

Dear Ms. McIntosh:

My name is Jeff Eshelman, and I serve as Executive Vice President for Energy In Depth, a research and education program of the Independent Petroleum Association of America (IPAA). As a trade association, IPAA represents thousands of independent oil and natural gas production companies, which on average have fewer than 20 employees.

You recently announced the 2014 Eppy Award Winners, which included an award for Best Investigative/Enterprise Feature on a Website. The award for websites with less than one million unique monthly visitors was given to the Center for Public Integrity, InsideClimate News, and the Weather Channel for their report "Big Oil, Bad Air." This report made a number of inaccurate characterizations regarding hydraulic fracturing ("fracking") and other oil and natural gas production activities in the Eagle Ford Shale region of South Texas, which Energy In Depth has detailed on its website. A copy of what Energy In Depth published is attached to this letter for your reference.

Beyond the factual deficiencies in "Big Oil, Bad Air" – including a gross misreading of the Texas regulatory system to suggest state oversight is inadequate – we would like to highlight some of the financial conflicts of interest that plagued this report, and which likely heavily shaped its narrative. In the course of producing this report, the research team also committed violations of well-established journalistic principles, which we have also documented.

We believe that ascribing journalistic credibility to "Big Oil, Bad Air" only serves to encourage more agenda-driven reporting, which is unfortunately part of a broader and well-funded campaign to restrict oil and natural gas production activities. This is not objective news, but rather advocacy disguised as journalism.

This is a significant issue of concern, as the oil and natural gas industry employs hundreds of thousands of hardworking men and women all across the country, and supports millions of other jobs in manufacturing, transportation, and other services. Efforts to restrict or even shut down the oil and natural gas industry can have far-reaching impacts on the American economy, which underscores why we should insist that any journalistic scrutiny placed upon the industry be fair and accurate.

Below, we will highlight some of the journalistic failings and conflicts of interest in "Big Oil, Bad Air":

- When the Weather Channel approached Energy In Depth to be interviewed for this project (which at that point was unnamed), the producer – Greg Gilderman – never mentioned that InsideClimate News or the Center for Public Integrity were involved. A copy of the email chains setting up the in-person interview are attached to this letter in their entirety. When EID inquired by phone who would be conducting the interview, Gilderman referred only to a man named "Jim," with no information about his affiliation. It was only after the interview had concluded that the reporter, Jim Morris, provided a business card indicating he was with the Center for Public Integrity.
- This was not the only example of the research team concealing its identities. A video that accompanies "Big Oil, Bad Air" includes an email from staff at the Texas Commission on

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Environmental Quality, which similarly accuses the research team of conducting [“a number of interviews with TCEQ staff without identifying themselves as employees of the various organizations they represent.”](#) The Society of Professional Journalists advises against this very tactic. In its [Code of Ethics](#), SPJ states: “Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.” Nowhere in “Big Oil, Bad Air” does the research team explain why they refused to disclose their affiliations.

- Mr. Morris with the Center for Public Integrity also deliberately presented false information as part of a continuing conversation with EID for the report. In an email, EID asked Morris if the story would be incorporating an Earthworks study (authored by Wilma Subra) that had been released on September 23, 2013. EID characterized the report as suffering from a “misreading of short-term sampling results by comparing them against long-term exposure values,” a reference to measurements that are found on page 22 of the Earthworks report. On February 12, 2014, Morris emailed EID: “we’re not using the Earthworks numbers you describe.” But in “Big Oil, Bad Air,” the research team [references those exact findings](#), and even links directly to the Earthworks report:
 - *“The air samples the environmental groups took [near the Cerny home](#) detected 14 VOCs, including benzene, toluene and xylene, but none in concentrations the TCEQ considers immediately dangerous. Subra said that doesn’t mean the air is safe, because the data came from a ‘grab sample’ that represented only a snapshot in time. She and other scientists say there’s another factor that state and federal health guidelines don’t consider: the added risks of breathing many chemicals at once.”*
- A separate email chain that EID obtained shows the researchers discussing how they would be using the Earthworks numbers, even citing the exact page number. On February 8, 2014, InsideClimate News researcher Lisa Song cautions her team to “be careful how you use this report,” adding that “p. 22 has the results with the 14 VOCs near the Cernys mentioned in the main story.” Earlier that day, Greg Gilderman with the Weather Channel referred to the Earthworks report as being a part of his “quick wishlist” that “will give authority to the portions of the documentary” that the Weather Channel was producing. Jim Morris is included in the email chain. That conversation occurred four days before EID inquired about whether they would be using Earthworks’ numbers, a clear indication that the Center for Public Integrity lied to Energy In Depth in the course of an interview. The email chain with Morris’s assurance that they were “not using” the Earthworks numbers is attached to this letter, as is the earlier email correspondence in which the “Big Oil, Bad Air” research team is discussing how it will use those numbers.
- Both the [Center for Public Integrity](#) and [InsideClimate News](#) list the Park Foundation as being among their prominent sources of funding. As described in a [recent article](#) in *Philanthropy Roundtable*, the head of the Park Foundation famously said: “In our work to oppose fracking, the Park Foundation has simply helped to fuel an army of courageous individuals and NGOs.” In 2013 alone, Park funneled approximately \$3 million in anti-fracking grants to groups such as Food & Water Watch, Friends of the Earth, Greenpeace, and other advocacy groups that oppose oil and natural gas production. Inside Philanthropy calls the Park Foundation “[a hero for fracking opponents](#).” Grants from the Park Foundation have been credited with helping to cause the shift among environmental groups from supporting natural gas to calling for bans on its development.
- InsideClimate News lists the Rockefeller Brothers Fund (RBF) as [one of its donors](#). In addition to RBF’s recent announcement to “divest” from fossil fuels, in which the organization admitted its grants are intended to “[decrease dependence on fossil fuels](#),” RBF has been a prominent financier of anti-fracking causes across the country. For example, RBF funds the activist organization 350.org, which has written, “[Fracking is an inherently dangerous practice, and the only way to protect ourselves is to halt use of this toxic technique](#).” The head of 350.org, Bill McKibben, called RBF a “[great ally](#)” in his organization’s campaign to stop fossil fuel use during a



recent interview. David Sassoon, the publisher at InsideClimate News, previously worked for RBF.

- RBF is not a passive investor, either. In a [2008 presentation](#), Michael Northrup, a program officer of RBF, explained how his foundation was creating a “network of leading US and Canadian NGOs” to focus on shutting down oil sands development in Canada, which he described as a “globally significant threat.”
- The Park Foundation and the Rockefeller Brothers Fund also fund a number of the same environmental organizations that are quoted in “Big Oil, Bad Air,” including the anti-fracking group Earthworks, which has received more than \$300,000 from the Park Foundation. Earthworks’ report on the Eagle Ford region, released a few months before “Big Oil, Bad Air,” made the same accusations. State regulators have criticized the techniques employed by Earthworks and its partner organization, ShaleTest, as “[not scientifically appropriate](#),” primarily for comparing short-term air readings against long-term exposure values.
- InsideClimate News also receives funding from the Energy Foundation, which has given more than [\\$6 million to the anti-drilling Sierra Club](#) since January 2013. EF also funds Food & Water Watch, one of the most [aggressive anti-fracking groups](#) in the country.
- The Center for Public Integrity lists the Hewlett Foundation as one of its “[major institutional funders](#),” which is alarming when considering the other advocacy efforts that Hewlett supports. Margarita Parra, an officer in Hewlett’s Environment Program, [recently said](#): “We can reduce our use of oil and we don’t need to extract this very environmentally costly source of fossil fuels. The fracking impacts will soon teach us all the difference between what we want and what we can afford.” Hewlett has also [described](#) how its grantees – including Earthworks, Ceres, and the Tom Steyer-affiliated NextGeneration – published research in the context of limiting or even banning hydraulic fracturing in California.
- Neither InsideClimate News nor the Center for Public Integrity disclosed in their report that they share funding sources with the activist groups they were citing. An [extensive report](#) by the *Washington Free Beacon*, a conservative news outlet, detailed all of the activist groups that were quoted in “Big Oil, Bad Air” or promoted its findings, and who also share funding sources with InsideClimate News. The list includes groups such as the Natural Resources Defense Council, Public Citizen, the Environmental Integrity Project, and Earthworks. Other non-profit news outlets – such as the Texas Tribune, Midwest Energy News, and Allegheny Front – routinely disclose in the bodies of their stories if there are common funding sources with the entities they cite.

It is worth adding that Energy In Depth raised many of these concerns in a comprehensive report earlier this year, which InsideClimate News’ publisher David Sassoon [tried to refute](#). Sassoon was unable to provide any explanation for the issues we raised, focusing instead on calling EID a “public relations front group” and falsely claiming that Energy In Depth “did not dispute the evidence we presented.” As noted earlier, attached to this letter is a lengthy list of substantive critiques of the “evidence” that the research team published. Sassoon then falsely claimed that there is “no credible evidence” to suggest that the research team for “Big Oil, Bad Air” employed any questionable reporting techniques. We will let you decide if lying to interviewees, among the other issues described above, contradicts that assertion. Sassoon also claimed InsideClimate News “does not ‘share’ any funding with special interests,” despite the publicly available information already cited that demonstrates otherwise.

The attempt to dismiss Energy In Depth’s criticisms based upon the program’s association with industry is unsurprising, given that InsideClimate News has gone so far as to question the patriotism of the oil and natural gas industry. “[Patriotism is simply not part of the culture at a multinational corporation like Exxon](#),” wrote Elizabeth Douglass, a reporter for InsideClimate News, in August of this year. ExxonMobil currently employs thousands of hardworking and patriotic men and women in the United States. Most of these individuals and their families are accustomed to environmental organizations making similarly

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inflammatory claims, but for an organization purporting to represent “journalism” to make the same accusation demonstrates how InsideClimate News is far from being an objective and unbiased source of news.

We do not dispute the fact that the research team for “Big Oil, Bad Air” invested a significant amount of time and hard work compiling their story. As I learned in Journalism 101 at George Washington University, we should all demand that journalism be fair, accountable, transparent, and free from conflicts of interest. Concealing identities and misleading interviewees are hardly the hallmarks of objective reporting, and they are certainly not the kinds of activities that should be rewarded.

Studies funded by the energy industry are typically disclosed as such, and even the most air-tight research project that an industry-aligned entity produces will likely never be considered for an award for journalistic excellence. Right or wrong, the perception with such research is that the industry may have influenced the results through its financial support. This raises another question, though: Is “Big Oil, Bad Air” – given its team’s reliance on funding from organizations that oppose oil and gas development – exempt from the same scrutiny, merely because its perspective falls on the opposite side of the spectrum?

For these reasons, we respectfully ask that you and the EPPY judges reconsider your award for “Big Oil, Bad Air,” and instead look for other investigative reports that do not suffer from the same errors and failures.

We thank you for your time and attention, and for your consideration of this very important matter.

Sincerely,

Jeff Eshelman
Executive Vice President
Energy In Depth

Enclosures (3)



Activism and Deception Underlie Weather Channel's Eagle Ford Shale Report

By Steve Everley
Team Lead, Energy In Depth
Feb. 18, 2014

<http://energyindepth.org/texas/activism-deception-weather-channel-eagle-ford-shale-report/>

A new investigative report by [InsideClimate News](#) and the Center for Public Integrity – promoted and produced by the [Weather Channel](#) – concludes that shale development in south Texas is “[releasing a toxic soup of chemicals into the air](#),” which the researchers describe as “a bust for local residents who fear for their health.” But shaky research underlying the report raises serious questions about the validity of those claims, including the use of widely discredited literature promoted by activist groups.

The upshot of the InsideClimate/CPI report is that, despite complaints from residents in the Eagle Ford Shale region, regulators have done little to nothing to protect them. The researchers argue that operators who violate rules “face few, if any, repercussions,” all the while air emissions are allegedly threatening public health. To top it all off, the regulators themselves even admit that their rules are inadequate — at least according to the “report.”

The facts, as they say, tell a much different story.

Below is a list of claims made in the [InsideClimate/CPI report](#) and in excerpts from the [Weather Channel video](#) that accompanies the article, each followed by an explanation of reality.

—

CLAIM: “*The Texas Commission on Environmental Quality (TCEQ), which regulates most air emissions, doesn’t even know some of these facilities exist. An internal agency document acknowledges that the rule allowing this practice [c]annot be proven to be protective.*” ([p. 2](#))

FACT: What the InsideClimate/CPI team does not tell you is that this excerpt refers to an older version of the law, and in fact was part of a [memo](#) that compares the older version with the newly adopted rule. The new rule “[c]an prove protectiveness of health and human welfare and provides practically enforceable records,” according to TCEQ.

In other words, the researchers are suggesting current regulations are inadequate on the basis of an older rule that has since been updated based in part on the very flaw they’re citing.

The memo cited (which is referenced again on [page six](#)) does note that operations outside the Barnett Shale will “follow old requirements.” But a [second memo](#) (ironically also cited by the InsideClimate/CPI team, but in a different context later in the article) explains that the “old requirements” outside the Barnett *only lasted until January 5, 2012*. Facilities already permitted under the “permit by rule” system will be grandfathered, but only until January 1, 2016. If those facilities modify their operations, however, they will be required to meet the new requirements immediately.

The InsideClimate/CPI team carefully excerpted and strung together two separate memos, and either deliberately ignored the parts that contradicted their storyline or were unaware that they were critiquing a regulatory system that does not exist. Either way, the basis of the claim that TCEQ’s rules are not protective (and by extension many elements of the report that build off of it) is no longer valid.

CLAIM: “*Companies that break the law are rarely fined. Of the 284 oil and gas industry-related complaints filed with the TCEQ by Eagle Ford residents between Jan. 1, 2010, and Nov. 19, 2013, only two resulted*



in fines despite 164 documented violations. The largest was just \$14,250. (Pending enforcement actions could lead to six more fines)." ([p. 2](#))

FACT: The regulatory system in Texas is premised on fixing problems. As such, if there is a violation, regulators respond by requiring operators to fix the issue(s). The TCEQ [carefully outlines](#) this process on its website. When the TCEQ issues a notice of violation, operators are given a prescribed time to "return to compliance and provide documentation that all violations have been corrected." If the violations are not corrected within that time period, TCEQ can initiate a notice of enforcement. Since most violations can be quickly corrected, the number of "violations" will always exceed the number of "enforcements," but that doesn't mean the regulatory agency isn't acting.

The InsideClimate/CPI team is criticizing regulators for not focusing on imposing monetary penalties. That may be a fair critique, but in a world with limited taxpayer resources, state regulators have determined (appropriately) that fixing problems is more important than just levying fines. The researchers also gloss over the fact that a full 120 of the complaints did not show any actual violations, and refuse to detail what each of the 164 violations actually did entail (administrative and paperwork errors, for example, are categorized as "violations," just as emissions events are).

CLAIM: *"But an interoffice memorandum obtained through the Texas Public Information Act indicates the TCEQ knows its statewide air monitoring system is flawed."* ([p. 2](#))

FACT: No, it does not. Once again, the InsideClimate/CPI team is using TCEQ's explanation for why a new rule was necessary to suggest that the now-replaced rule is insufficient. The research team's use of the present tense, i.e. "TCEQ knows its statewide air monitoring system is flawed," suggests to readers that the current system is flawed. But that's just not the case.

The [memo](#) cited is dated January 7, 2011. It details how facilities in the Barnett Shale region would be required to comply immediately, while operators outside that region (including the Eagle Ford) would be required to meet the new compliance standards by January of 2012 –*which was more than two years ago.*

CLAIM: *"The Buehrings complained to the TCEQ in 2012, prompting investigators to check out several Marathon Oil facilities near their home. At one point the emissions were so high, the investigators wrote in their report, that they 'evacuated the area quickly to prevent exposure.' Marathon, a Houston-based company worth nearly \$25 billion at the end of 2013, reported that it fixed the problem and was not fined."* ([p. 2](#))

FACT: This anecdote was first reported by Earthworks, in a "report" that similarly rested on [deception and even outright falsehoods](#). In fact, if you read the Earthworks [report](#) (PDF), you'll notice that the claims, individual stories, and conclusions about regulators are strikingly similar to the "new" report from InsideClimate/CPI.

More to the point: the InsideClimate/CPI team paints a picture here that the company policed itself, which is exactly what you want to claim if your goal is to suggest regulators are not protecting the public. The only problem is that TCEQ did not simply run away from the facility and leave the company to its own devices. As TCEQ noted in an [article](#) last fall, in a section that was fittingly criticizing Earthworks for making the exact same claim:

"[T]he activists state that TCEQ investigators found high levels of VOCs at a site and then left the site, without taking further action to reduce pollution. In fact, TCEQ investigators did find fugitive emissions of VOCs inside the fence line of the facility. The investigators stepped away from the immediate area, the facility representative radioed for a repair crew to come to the site, and the leak was fixed that same day. Like most unauthorized emissions from oil and gas activity, this one was caused by an equipment issue – in this case, a bad valve."



The InsideClimate/CPI team could not simply tell the story that regulators responded, acted, and the problem was fixed. That wouldn't support its predetermined narrative that residents "mostly fend for themselves" when problems arise. So, they pieced elements of the truth together to tell the story they wanted, instead of the one that's entirely accurate, because that's what good journalists do.

CLAIM: *"San Antonio's ozone levels have violated federal standards dozens of times since the drilling began. Ozone is also one of several greenhouse gases, including methane, released during drilling operations."* ([p. 5](#))

FACT: San Antonio was [violating federal ozone standards](#) years before the Eagle Ford Shale boom began, which were also years when the federal standard was higher than it is today (EPA [tightened the non-compliance threshold](#) from 0.08 ppm to 0.075 ppm in 2008). EPA uses a three-year average to determine compliance, and the current ozone average for San Antonio is actually *less* than what it was for much of the last 15 years.

Also, ozone is not emitted into the air from drilling operations. Ozone is the product of a chemical reaction from volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the presence of sunlight. As the EPA [notes](#):

"Tropospheric, or ground level ozone, is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NOx) and volatile organic compounds (VOC). Ozone is likely to reach unhealthy levels on hot sunny days in urban environments. Ozone can also be transported long distances by wind. For this reason, even rural areas can experience high ozone levels."

It's odd that a team affiliated with a presumably "climate"-oriented news organization would make such an egregious error, but given the paucity of evidence to support so many of its claims, perhaps this is just par for the course.

CLAIM: *"The air samples the environmental groups took near the Cerny home detected 14 VOCs, including benzene, toluene and xylene, but none in concentrations the TCEQ considers immediately dangerous. Subra said that doesn't mean the air is safe, because the data came from a 'grab sample' that represented only a snapshot in time."* ([p. 5](#))

FACT: Once again, the InsideClimate/CPI team is relying on the [Earthworks report](#) from last fall. Prior to the publication of this article, Energy In Depth contacted one of the reporters for CPI and the executive producer from the Weather Channel with some questions about whether they would be relying on this report, specifically the data cited above. Earthworks had compared some of these VOC measurements against long-term health thresholds, something TCEQ has said was "not scientifically appropriate."

CPI told Energy In Depth in an email that they were "not using" the Earthworks data. The excerpt above links directly to the Earthworks report.

The Weather Channel told Energy In Depth that it was not using the Earthworks report at all for the video segment, although the comparison of short-term readings of benzene to long-term thresholds is referenced in a TCEQ email response shown on screen ([9:57](#)). TCEQ emphasizes that making such a comparison would be "ill-advised" and "scientifically inaccurate."

CLAIM: *"The chemicals released during oil and gas extraction include some of the most damaging volatile organic compounds, or VOCs, including benzene and toluene. These chemicals have been linked to cancer, neurological problems, and other serious illnesses."* ([6:53](#))

FACT: The beginning of this excerpt shows an image of the infamous Colorado School of Public Health [study](#) from 2012, which used out of date emissions data and inflated exposure times by as much as 900 percent to suggest maximum harm from development. County health officials, whom the CPSH



researchers claimed to have been working with, disavowed the paper entirely before it was ever published. A subsequent paper by the same research team received an [immediate rebuke](#) from the Colorado Department of Public Health and Environment, specifically Dr. Larry Wolk, a former pediatrician of the year in the state.

It is true that benzene has been linked to cancer, but that link is based on a variety of factors, including long-term exposure at elevated levels. The InsideClimate/CPI team was basing its health scare on short-term samples that actually fall well below the short-term health threshold. The largest sources of benzene exposure in the United States, according to the Environmental Protection Agency, are automobiles and roads.

CLAIM: *In an email showed on screen, TCEQ tells the investigative team that they “respectfully decline your requests for further interviews, since your team has already done a number of interviews with TCEQ staff without identifying themselves as employees of the various organizations they represent. You have also called staff members at home.” (9:57; emphasis added)*

FACT: The [code of ethics](#) for the Society of Professional Journalists states:

“Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story”

There is no mention in the InsideClimate/CPI report of why the researchers did not disclose their affiliations when reaching out to TCEQ.

TCEQ also references a “scientifically inaccurate and ill-advised” comparison of short-term air samples of benzene to long-term Air Monitoring Comparison Values, or AMCVs, for that compound. This is what Earthworks did in its report ([p. 22](#)), which the Weather Channel and CPI teams told Energy In Depth it was not using.

CLAIM: *“The data haven’t shown it, because the data we need don’t exist.” (13:17)*

FACT: This is in reference to a statement from Energy In Depth that available data show emissions are not crossing public health thresholds. Perhaps more than any other segment, this highlights the fundamental flaw of the whole report: the researchers went looking for information that indicates harm, rather than conducting a legitimate investigation of the facts. The researcher has already determined that data *that do not exist* will support his conclusion, and has declared it so by decree. So why even investigate?

The real reason the data don’t exist (at least, the data that the InsideClimate/CPI team *wants* to exist) is because there is no credible threat to air quality or public health associated with shale development. The [Colorado Department of Public Health and Environment \(CDPHE\)](#), the [Texas Commission on Environmental Quality](#), and the [West Virginia Department of Environmental Protection](#) have all made that conclusion. Reports from the [Pennsylvania Department of Environmental Protection](#) show that emissions related to shale development are below established health thresholds. In fact, the American Lung Association gave eight North Dakota counties — including several that are leading the state in Bakken oil production — [high marks](#) for air quality.

CLAIM: *“Texas has no statewide setbacks, aside from a 1,320-foot buffer zone for facilities with high levels of hydrogen sulfide. For all other oil and gas sites, it relies on communities to take the lead. Eagle Ford counties like Karnes, LaSalle and McMullen have no restrictions despite a glut of drilling.” (p. 8)*

FACT: Actually, Texas *does* have a statewide setback. It’s listed under [Title 8](#) of the state’s Local Government Code:



“A well may not be drilled in the thickly settled part of the municipality or within 200 feet of a private residence.”

The *Denton Record-Chronicle* [reported](#) that fact in February 2012.

It is true that local governments have the ability to create their own setbacks, but to say that Texas “has no statewide setbacks,” aside from a buffer for hydrogen sulfide, is objectively false.

Conclusion

Despite an “eight-month investigation,” the researchers at InsideClimate News, the Center for Public Integrity, and the Weather Channel stuck with their preconceived narrative throughout, even when a mountain of available evidence contradicted their conclusions. Much of the story hinged on Texas regulators “admitting” that their own existing rules are inadequate, which would have been a much more compelling argument if it were accurate. Instead, the research team – which includes a Pulitzer Prize winner – had to rely on a deceptive presentation and an obfuscation of facts to tell the story it wanted.

It’s useful to have a public conversation about the risks of development, and those who have questions should demand answers based on science and facts. But we don’t solve any problems by deceiving people into believing things that aren’t true, nor is it particularly helpful to push for reforms based on phony science and a deliberate misreading of the regulatory regime currently in place. Companies and regulators alike respond to publicly voiced concerns and search for amenable solutions. When violations occur, they should be fixed – and the available evidence shows that regulators in Texas are ensuring that.

The Eagle Ford has brought hope to a part of Texas that has long suffered from economic hardship. In one county at the heart of development, [unemployment dropped](#) from 12 percent to just four percent in a matter of only a few years. In 2012, the Eagle Ford supported [more than 86,000 jobs](#), which translates to roughly \$3.3 billion in salaries and benefits paid to working families. Local and state tax revenues exceeded \$1 billion, a figure that is only expected to grow. These funds [pay for a variety of public services](#) throughout the state, benefitting all Texans.

The InsideClimate/CPI team alleged that “there is little interest in or sympathy for those who have become collateral damage in the drive for riches” with oil and gas development. But in weaving that carefully constructed tale, the researchers paid little interest themselves in the thousands of south Texas families who now have at least a glimmer of hope thanks to the Eagle Ford.

From: [Morris, Jim](#)
To: [Everley, Steve](#)
Subject: RE: how to describe EFS
Date: Wednesday, February 12, 2014 9:18:32 AM

Steve – we’re not using the Earthworks numbers you describe.

From: Everley, Steve [mailto:Steve.Everley@fticonsulting.com]
Sent: Tuesday, February 11, 2014 6:58 PM
To: Morris, Jim
Subject: Re: how to describe EFS

Jim, I'll be happy to help you get the information you need. In fact I think we can both agree I've been more than generous with my time, and I'll continue to do so. But I'm worried that you all are going to rely on questionable research, and possibly present it in exactly the way Earthworks wants you to. That's going to be a huge problem if so, and I'd like the opportunity to link you up with experts who can save you all the embarrassment. If you're not going to use it, however, then we can move on to other areas that I can help out with.

From: Morris, Jim [mailto:jmorris@publicintegrity.org]
Sent: Tuesday, February 11, 2014 06:43 PM Eastern Standard Time
To: Everley, Steve
Subject: RE: how to describe EFS

Thanks, Steve. No one would say the Bakken is bigger, would they? Someone saw something from the Energy Information Administration suggesting it was.

From: Everley, Steve <Steve.Everley@fticonsulting.com>
Sent: Tuesday, February 11, 2014 5:30 PM
To: Morris, Jim
Subject: RE: how to describe EFS

Hey Jim,

There are several ways to describe it, including the largest oil and gas development in the world. Wood Mackenzie projects that between 2012 and 2015, “capital expenditure in the Eagle Ford [will] surpass the projected capex of the entire Kashagan project in Kazakhstan, the world’s most expensive standalone energy project.” -- <http://www.woodmacresearch.com/cgi-bin/wmprod/portal/corp/corpPressDetail.jsp?oid=10950029>

In other words, the Eagle Ford is arguably the most significant oil and gas play on the face of the Earth. If you asked anyone what that was even five years ago, I bet no one would have said anything even in North America.

I actually meant to reach out to you all, and I suppose this is as good of a time as any: I imagine you all will be using that Earthworks report from last September in your story, right? The one that relied on

a misreading of short-term sampling results by comparing them against long-term exposure values?

From: Morris, Jim [mailto:jmorris@publicintegrity.org]
Sent: Tuesday, February 11, 2014 5:20 PM
To: Everley, Steve
Subject: how to describe EFS
Importance: High

Steve – what's the most accurate way to describe the size of the Eagle Ford Shale? The biggest shale play in the country? The biggest oil and gas boom in the country?

There's some uncertainty about whether the Bakken is bigger in terms of number of rigs or other measures.

Thanks,

Jim Morris
Center for Public Integrity

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From: [Blackmon, David](#)
To: [Everley, Steve](#)
Subject: Fw: Documents Needed
Date: Monday, February 17, 2014 6:54:07 PM

David Blackmon
FTI Consulting

Work: 832-667-5158
Cell: 817-247-6384

Twitter: @GDBlackmon

From: Lisa Song
Sent: Monday, February 10, 2014 8:56 AM
To: Gregory Gilderman
Cc: Susan White, Sabrina Shankman, Blackmon, David, Jim Morris, Katie Wiggin

The word "statewide" shows he's talking about the entire state of Texas, including Eagle Ford. The Barnett region only covers 24 of Texas' 200+ counties.

On Mon, Feb 10, 2014 at 8:20 AM, Gregory Gilderman <gregory.gilderman@weather.com> wrote:
In the Hyde memo, when he says "statewide and indicate a pattern," is he actually just talking about Barnett or does he mean Eagle Ford as well? Just don't want to oversell this document.

On Sun, Feb 9, 2014 at 2:37 AM, Susan White <susan.white@insideclimatenews.org> wrote:
Also, you might consider some of the official complaints we've got.

Susan White
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Read our Pulitzer-winning series, [The Dilbit Disaster: Inside the Biggest Oil Spill You've Never Heard Of](#)

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On Sat, Feb 8, 2014 at 5:18 PM, Lisa Song <lisa.song@insideclimatenews.org> wrote:

This is what I have. I'm not sure if we have Buehring's records, but Dave will know.

TCEQ doc showing TCEQ doesn't know oil and gas facilities exist

Included in my last email

TCEQ doc showing human error responsible for Barnett Shale could have been avoided through "increase diligence"

Attached

Key portions of Subra's study

You can download it at

http://www.earthworksaction.org/library/detail/reckless_endangerment_in_the_eagle_ford_shale

--be careful of how you use this report, because of the way it's worded. Call if you have questions. p. 22 has the results with the 14 VOCs near the Cernys mentioned in the main story.

Richard Hyde TCEQ memo

Attached

On Sat, Feb 8, 2014 at 6:30 PM, Gregory Gilderman <gregory.gilderman@weather.com> wrote:

I'd love to have image files of as many documents as possible. Either JPEG or PDF is fine so long as the resolution is as high as possible.

These will give authority to the portions of the documentary when we cite evidence.

My quick wishlist:

- Medical records for Lynne Buehring showing her doc says oil wells are to blame
- Key portions of Subra's study
- TCEQ doc showing TCEQ doesn't know oil and gas facilities exist
- TCEQ doc showing human error responsible for Barnett Shale could have been avoided through "increase diligence"
- Richard Hyde TCEQ memo

Anything else I'm not thinking of that you'd suggest?

Many thanks,
Greg

--

Gregory Gilderman | Executive Producer

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--

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From: steve@energyindepth.org
To: "Gregory Gilderman"
Cc: [Blackmon, David](#)
Subject: RE: Interview Request
Date: Thursday, January 02, 2014 2:22:00 PM

Hey Greg, good to chat with you. Copying my colleague David Blackmon here, who is a wealth of knowledge on Texas oil and gas development, and he is a native of south Texas. He should be able to answer your questions on truck traffic, air emissions, and other claims made against development in the Eagle Ford – and I'm sure he can point you to some of the great stories of massive economic growth and job creation resulting from development, too.

Also, as promised, here's the debunk we did of the Earthworks study:
<http://energyindepth.org/texas/earthworks-flawed-eagle-ford-study-is-more-of-the-same/>

Would recommend that you pay close attention to the first claim/fact listed in that post, in which Earthworks admits that the concentrations don't exceed the established health thresholds, so they just compared them against a different metric. TCEQ has criticized them for doing that before (TCEQ says it's "not scientifically appropriate" to make such a comparison). Pretty much tells you all you need to know, and it's downhill from there.

Thanks,
-Steve

From: Gregory Gilderman [mailto:gregory.gilderman@weather.com]
Sent: Thursday, January 02, 2014 1:36 PM
To: steve@energyindepth.org
Subject: Re: Interview Request

Hydraulic fracturing in South Texas. We're looking for a take on the big picture of benefits and costs, as well as the specific issue of pollution some claim is happening.

Greg

On Thu, Jan 2, 2014 at 1:33 PM, steve@energyindepth.org <steve@energyindepth.org> wrote:
Hi Greg, I sure do. What's the topic?

From: Gregory Gilderman [mailto:gregory.gilderman@weather.com]
Sent: Thursday, January 02, 2014 1:27 PM
To: steve@energyindepth.org
Subject: Interview Request

Steve --

Greg from The Weather Channel here.

Do you have a minute to talk about a possible interview?

Thanks,
Greg

--

Gregory Gilderman | Executive Producer

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e: gregory.gilderman@weather.com

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--

Gregory Gilderman | Executive Producer

w: 212.856.5272

e: gregory.gilderman@weather.com

From: Everley, Steve
To: ["Gregory Gilderman"](#)
Cc: ["Katie Wiggin"](#); ["Brady Leifer"](#)
Subject: RE: Interview
Date: Friday, January 10, 2014 4:34:00 PM

Hey everyone, we're all set. I reserved a conference room on the basement level of our building (we're at 1101 K Street NW, which is actually on the corner of 12th and K). If you come in the front door, you can either take the stairs down (it's all an open atrium) or take the elevator down to B1. Mention that you're there to see Steve Everley with FTI Consulting, but I'll plan on being down there to meet you a little before 2pm.

From: Everley, Steve
Sent: Thursday, January 09, 2014 6:04 PM
To: 'Gregory Gilderman'
Cc: Katie Wiggin; Brady Leifer
Subject: RE: Interview

Let me check and see if we have some conference rooms available. If you're bringing in a full crew, it's somewhat difficult to do that from my office (9th floor, and cramped), but we have some conference rooms on the basement level of our building that would work, assuming one's open. I'll get back to you tomorrow, realizing that you need to get all this confirmed ASAP!

From: Gregory Gilderman [<mailto:gregory.gilderman@weather.com>]
Sent: Thursday, January 09, 2014 5:25 PM
To: Everley, Steve
Cc: Katie Wiggin; Brady Leifer
Subject: Re: Interview

Confirmed. What's the address, and are there any building issues to keep in mind with brining in a small camera crew (ie a service entrance or elevator)?

On Jan 9, 2014, at 4:21 PM, "Everley, Steve" <Steve.Everley@fticonsulting.com> wrote:

If we could push this back to 2pm on the 17th, that would work better. I've got a noon meeting that should end in time, but I don't want to risk it.

From: Gregory Gilderman [<mailto:gregory.gilderman@weather.com>]
Sent: Thursday, January 09, 2014 11:23 AM
To: Everley, Steve
Cc: Blackmon, David; Katie Wiggin
Subject: Re: Interview

I'll be coming home from Texas on Thursday, would love to do this on Friday Jan. 17. Would around 1 p.m. work for you?

Thanks,
Greg

On Wed, Jan 8, 2014 at 11:34 AM, Everley, Steve

<Steve.Everley@fticonsulting.com> wrote:

This Friday is not good for me, but I've got plenty of time open next week, save for a couple of quick 30 minute meetings here and there. Happy meet you wherever I need to go.

From: Gregory Gilderman [mailto:gregory.gilderman@weather.com]

Sent: Wednesday, January 08, 2014 11:08 AM

To: steve@energyindepth.org; Blackmon, David

Cc: Katie Wiggin

Subject: Interview

Steve and David --

Looks an interview in Houston isn't going to work for any of us. Steve, can we do something in DC next week or Friday of this week?

Greg

--

Gregory Gilderman | Executive Producer

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--

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