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Fracking's huge risks go ignored in California

By Kassie Siegel

Many Californians were rightly upset by recent news of the near-total lack of oversight of hydraulic fracturing in the state. Fracking, as it is commonly known, is the practice of injecting huge amounts of highly pressurized water, sand and a cocktail of industrial chemicals deep into the Earth to break up rock formations to extract oil and gas.

It is a dangerous, damaging technique that has made headlines elsewhere in the U.S. but whose risks, unfortunately, have largely been ignored by California and federal officials charged with protecting our air and water.

Uncontrolled, fracking emits large amounts of the potent greenhouse gas methane and other dangerous air pollutants. It can also contaminate groundwater, cause earthquakes and lead to intensive development with a huge increase in industrial activity and truck traffic. Major problems have been documented in places like Pennsylvania and Ohio that

overlay the Marcellus Shale formation, where there has been intensive fracking for natural gas.

The more people learn about fracking, the more the opposition grows. Footage of people lighting their household faucets on fire because methane has seeped into their drinking water has helped galvanize a national grassroots movement opposing the practice. Concerned by the experience of its neighbors, the New Jersey legislature has banned fracking, and New York has instituted a moratorium pending further environmental review.

California, by contrast, has largely turned a blind eye to the risks. Fracking is already occurring here, but no one can paint a full picture of the situation because the state doesn't even track when and where wells are fracked or what chemicals are used.

California currently ranks fourth on the list of oil-producing states, behind only Texas,

Alaska and North Dakota. The state could face a massive expansion of fracking in the coming years: spiraling oil and gasoline prices will only stoke existing industry interest in the Monterey Shale, an oil-rich geological formation under the San Joaquin and Los Angeles basins. It is estimated to hold more than 15 billion barrels of oil, constituting a staggering 64 percent of known U.S. oil shale potential.

Those defending fracking often assert that we have nothing to fear because it has been done since the 1940s, but this is misleading. Technological advances have facilitated a recent explosion of development in places where, just a few years ago, oil and gas could not be profitably recovered.

New techniques include: directional drilling that has greatly expanded access to rock formations because operators can drill horizontally; the use of high fluid volumes required to fill horizontal well bores that can extend for miles;

and the use of new chemical concoctions known as “slick water” that allow injection fluid to flow rapidly enough to generate the extremely high pressure needed to break apart the rock. In short, fracking today is a new and rapidly evolving activity, and as the practice has expanded, so has damage to communities and the environment.

Over a dozen tort cases have been filed in states including Pennsylvania, New York, Texas, Colorado, Arkansas and Louisiana in the past several years by landowners and other parties alleging harm to air, water, health, and safety from fracking. The proliferation of tort litigation has followed the rapid growth in the use of fracking in the absence of meaningful regulation.

In 2005, Congress exempted fracking from the federal Safe Water Drinking Act, severely limiting water protection. Until recently, the industry was also free to spew essentially unlimited air pollution during drilling. The EPA just finalized new rules called “New Source Performance Standards” under the Clean Air Act that will limit air pollutants that contribute to ozone and harm human health from fracked gas wells, but the rules do not cover oil wells, do not regulate methane, and unnecessarily allow several

years for industry to comply with the protections that were instituted.

Also on the federal side, the Bureau of Land Management leases out hundreds of thousands of acres of federal lands in California for oil and gas development, and is supposed to enforce environmental protection laws like the Minerals Leasing Act and National Environmental Policy Act. But my organization, the Center for Biological Diversity, along with the Sierra Club, has had to sue the BLM because it is failing to even disclose and analyze the impacts of fracking, let alone provide real protections.

In theory, state regulation could fill the regulatory void, but that hasn’t happened yet in California. The Department of Conservation has the authority to protect the water we drink, air we breathe, and public safety from the risks of fracking, but has so far taken a near-complete pass. Ignoring the risks of fracking as it proliferates in California is not only bad government, but seriously risky business.

Assembly Bill 591 (Wieckowski) would take a modest step toward real oversight by requiring disclosure of the chemicals and amount of water used to frack

wells in California - though the bill has recently been amended to allow the withholding of key information under a claim of “trade secrets,” creating a massive loophole. The legislature should certainly pass a strong disclosure bill right away, but doing so is only a first step. Mere disclosure does not necessarily translate into real protection from undue risk: more is needed.

The oil and gas industry clearly isn’t going to police itself, so California should step in to provide maximum protection for the quality and safety of residents’ air and water. California has long been celebrated for its leadership in environmental and climate protection, and legislators and regulators should strive to live up to that reputation when it comes to fracking.

But there is a larger issue here too: Encouraging additional fossil fuel development is completely incompatible with the need to transition as rapidly as possible to a clean energy economy to avoid massive climate disruption. Fracking, even if it came without all the other attendant risks, is fundamentally about extending our addiction to fossil fuels. It should be rejected rather than embraced in California.