



NATURAL RESOURCES DEFENSE COUNCIL

Opening statement

U.S. Senate Committee on Energy and Natural Resources

Environmental Impacts of Shale Gas Development and Best Practices

May 23, 2013

Amy Mall, Senior Policy Analyst

Good morning Mr. Chairman and Senators. Thank you for inviting me here today. NRDC has been working on natural gas production policies for more than ten years, and has visited with communities around the country to see the impacts first hand. NRDC's detailed views on fracking were provided in the testimony our President, Frances Beinecke, gave to the Committee earlier this year, including our view that the goal of energy policy should be to move the U.S. away from fossil fuels to curb global warming pollution. This morning we'd like to lay out some premises, questions and proposals regarding the impacts and regulation of natural gas development that could help shape this roundtable.

We start with these premises:

- First, natural gas development is a major industrial activity that uses toxic chemicals, produces massive amounts of hazardous waste, releases heat-trapping methane and other dangerous air pollutants, and has contaminated water and air in communities across the country.
- Second, the public expects the government, particularly the federal government, to limit the environmental harm from industry, and citizens deserve that protection.
- Third, places that are special because of their ecological, aesthetic or cultural significance should be off-limits to natural gas development, and communities should have the right not to open themselves up to this disruptive activity.

That leads us to these questions:

- First, what is the rationale for leaving natural gas production exempt from critical provisions of federal laws that have applied for decades to virtually every other industrial activity – laws that have proven to be effective, affordable and workable?
- Second, what is the rationale for the claim that the regulation of a complex, high-risk activity, that is conducted by many nationwide firms in about 30 states and can have widespread consequences, should be left entirely to the states when most other areas of regulation are carried out by successful joint efforts of the federal government and the states? And where is the evidence that states have proven equal to the task?
- Third, how can the oil and gas industry claim that federal regulation is inappropriate because of local differences, but then block localities from being involved in decisions on fracking?

Finally, this leads us to put forward these proposals:

- The federal government should be a model in how it manages fracking on federal lands. Instead, the Bureau of Land Management last week released a fundamentally flawed proposed rule that is even weaker than the leaked proposal that many opposed earlier in the year. And BLM did so even though it acknowledged that state laws are a patchwork and federal regulations are needed.
- Federal agencies should use their authority under current law to better limit the impacts of fracking on air, water and climate. The Clean Air Act rules issued last year by the EPA were not adequate to protect public health, particularly for the most vulnerable populations. Congress should close the gaping loopholes in the Clean Air Act, Clean Water Act, Safe Drinking Water Act, RCRA and other statutes that give natural gas companies a free pass for no reason.
- Congress should support additional independent research on the broad impacts of fracking, including impacts on drinking water as well as health and other impacts that affect people and communities.

Thank you. I look forward to discussing these thoughts with my fellow panelists and the Committee.