Dear Member of Congress,

We write to you today to ask that you cosponsor important legislation to better protect the environment and public health from the risks of oil and gas production.

Our nation is experiencing a rush of oil and gas drilling largely brought about by the use of advanced hydraulic fracturing (fracking). Millions of Americans live, work, attend school, or recreate on or near lands impacted by oil and gas development in approximately 30 states. It is well known that oil and gas development, drilling, fracking, and related activities can emit an array of dangerous pollutants. Many of these are known to cause harm to human health, including pollutants associated with cancer, respiratory diseases, reproductive problems, neurological damage, and other serious illnesses. Yet in spite of these risks, the oil and gas industry has been given unwarranted exemptions from seven of our nation’s bedrock environmental laws.

Fortunately, legislation has been introduced to close the special loopholes in four of these statutes: the Safe Drinking Water Act, Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Our organizations urge you to cosponsor each of these important measures. These commonsense bills would ensure that oil and gas production and related activities, including drilling and fracking, are held to the same health and environmental standards as other potentially harmful industrial activities.

The FRAC Act (H.R. 1921, S. 1135) closes the loophole in the Safe Drinking Water Act (SDWA) that excludes hydraulic fracturing from SDWA’s Underground Injection Control Program (UIC). The UIC program is intended to protect underground sources of drinking water from endangerment, but a 2005 amendment expressly exempted fracking operations from the regulatory requirements of the SDWA/UIC permitting program unless diesel is used in the fracking fluid. This leaves sources of drinking water in more than 30 oil- and gas-producing states unprotected by the SDWA, even though hundreds of chemicals—many of them toxic and/or carcinogenic—are potentially used during fracking. The FRAC Act would also require companies to publicly disclose the chemicals used in fracking.

The BREATHE Act (H.R. 1154) closes the loopholes in the Clean Air Act (CAA) that currently allow emissions of significant toxic air pollution from oil and gas exploration and production. Under the CAA, the comprehensive law regulating air pollution, the Environmental Protection Agency sets emissions standards for cars, factories, and other sources of air pollutants. The oil and gas industry, however, is exempt from the law’s requirement that the emissions of multiple related small sources that are under common ownership be aggregated to determine total emissions. As a result, closely associated wells and related facilities do not have to meet the same air quality standards for emissions of hazardous air pollution (including volatile organic compounds, smog-forming nitrogen oxides, and carcinogens) that other major sources of these dangerous pollutants must meet.
The FRESHER Act (H.R. 1175) would close the loophole in the Clean Water Act (CWA) that endangers water quality near oil and gas production activities. The CWA is the foundational law that protects American rivers, streams, wetlands, and other waterways from pollution. Under the CWA, a permit is required for large-scale, ground-disturbing activities that increase stormwater runoff and the risk of water pollution. This important permitting requirement, however, has been waived for oil and gas production, even though the runoff from oil and gas well pads and related infrastructure can be contaminated with dangerous pollutants. Such runoff can and has polluted waterways – degrading water quality, and damaging aquatic habitats.

The CLEANER Act (H.R. 2825) would close the loophole in the Resource Conservation and Recovery Act (RCRA) that currently prevents appropriate treatment of hazardous wastes from oil and natural gas production. RCRA requires the safe handling, transport and disposal of hazardous wastes. In the 1980s, however, wastes from oil and gas exploration and production were exempted from RCRA’s safety requirements for toxic waste management, even though these wastes (including fracking fluids and produced waters) contain dangerous substances including volatile organic compounds, acids, lead and other heavy metals, petrochemicals including diesel fuel, and radioactive materials. As a result, the task of regulating oil and gas wastes has been left to a patchwork of inadequate regulation among states, leading to the widespread mismanagement of these dangerous materials.

As drilling and fracking rapidly expand across the nation, it is now time to protect communities and human health from the risks of fossil fuel development by updating the laws that have given the industry a free pass to pollute. As Americans grow increasingly concerned about the impacts of this drilling boom, it is more important than ever that we hold the oil and gas industry to the same health and environmental protection standards as other industries. Our organizations urge you to cosponsor these four important bills to better safeguard families and communities nationwide.

Sincerely,

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¹ Physicians for Social Responsibility - Kansas City operates in both Kansas and Missouri and is listed under both states, but only counted once in the total group number.

² See note above.