

206 Groups Support Legislation to End Loopholes for Oil and Gas Pollution

August 5, 2013

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,

National and Regional Businesses and Organizations

Michael Brune
Executive Director, Sierra Club

Trip Van Noppen
President, Earthjustice

Frances Beinecke
President, NRDC

Gene Karpinski
President, League of Conservation Voters

Erich Pica
President, Friends of the Earth

Dan Shugar
Chief Executive Officer, Solaria

Seth B. Shonkoff, PhD, MPH
Executive Director, Physicians Scientists & Engineers for Healthy Energy

Wenonah Hauter
Executive Director, Food & Water Watch

Margie Alt
Executive Director, Environment America

Robert Wendelgass
President & CEO, Clean Water Action

May Boeve
Executive Director, 350.org

Anna Galland
Executive Director, MoveOn.org

Jamie Williams
President, The Wilderness Society

Katie Huffling
Director of Programs, Alliance of Nurses for Healthy Environments

Peggy M. Shepard
Executive Director, WE ACT for Environmental Justice, Inc.

Jennifer Krill
Executive Director, Earthworks

Catherine Thomasson, MD
Executive Director, Physicians for Social Responsibility

Wm. Robert Irvin
President and CEO, American Rivers

Katherine McFate
President & CEO, Center for Effective Government

Kathleen Rogers
President, Earth Day Network

Caroline Farrell
Executive Director, Center on Race, Poverty & the Environment

Mark Reynolds
Executive Director, Citizens Climate Lobby

Cindy Zipf
Executive Director, Clean Ocean Action

Karuna Jaggar
Executive Director, Breast Cancer Action

Drew Hudson
Director, Environmental Action

Lois Marie Gibbs
Executive Director, Center for Health, Environment & Justice

Nat Mund
Legislative Director, Southern Environmental Law Center

Steve Kretzmann
Executive Director, Oil Change International

Kieran Suckling
Executive Director, Center for Biological Diversity

Peter Bahouth
Executive Director, U.S. Climate Action Network

Heather White
Executive Director, Environmental Working Group

Dan Becker
Director, Safe Climate Campaign

Melinda Hughes-Wert
President, Nature Abounds

Dawn Haney
Director of Training & Development, Buddhist Peace Fellowship

Paul Kaufman
Director of Advocacy, GreenFaith – Interfaith Partners for the Environment

Patrick Sweeney
Director, Western Organization of Resource Councils

Cindy Shogan
Executive Director, Alaska Wilderness League

Carol Kwiatkowski, PhD
Executive Director, The Endocrine Disruption Exchange

Tehri Parker
Executive Director, Rocky Mountain Wild

Harriet Shugarman
Executive Director, Climate Mama

Bruce Gordon
President, EcoFlight

Mike Tidwell
Executive Director, Chesapeake Climate Action Network

Joseph Otis Minott
Executive Director, Clean Air Council

Tom Cormons
Executive Director, Appalachian Voices

John Horning
Executive Director, WildEarth Guardians

The Rev. Cn. Sally G. Bingham
President, Interfaith Power & Light

Judith Holyoke Schoyer Rodd
Director, Friends of Blackwater

Zeke Grader
Executive Director, Pacific Coast Federation of Fishermen's Associations

Matthew Logan
President, Potomac Riverkeeper

Jeff Kelble
Shenandoah Riverkeeper

Tracy Carluccio
Deputy Director, Delaware Riverkeeper Network

Maya van Rossum
Delaware Riverkeeper

Guy Alsentzer
Director, Lower Susquehanna Riverkeeper

Carolyn Jones
Co-founder, LNG Opposition Team

Tom Athanasiou
Executive Director, EcoEquity

Maura Cowley
Executive Director, Energy Action Coalition

Shelley Silbert
Executive Director, Great Old Broads for Wilderness

Joseph B. Uehlein
Board President, Labor Network for Sustainability

David Braun
President, United for Action

Rabbi Arthur Waskow
Director, The Shalom Center

Adrienne Esposito
Executive Director, Citizens Campaign for the Environment

Alaska

Hal Shepherd
Director, Center for Water Advocacy

Vi Waghiyi
Environmental Health & Justice Program Director, Alaska Community Action on Toxics

California

Patricia McPherson
*President, Grassroots Coalition
Los Angeles*

Michael J. Painter
Coordinator, Californians for Western Wilderness

Dan Jacobson
Legislative Director, Environment California

John Brooks
*President, Citizens For Responsible Oil & Gas
Ventura County*

Jess Dervin-Ackerman
Chair, 350 Bay Area

Jeanne Blackwell
*Director, SLO Clean Water Action
San Luis Obispo*

Jeff Kuyper
*Executive Director, Los Padres ForestWatch
Santa Barbara*

Peg Mitchell
Public Policy Committee, SanDiego350.org

Ray Bishop
Chair, Business and Professional Caucus - California Democratic Party

Damien Luzzo
*Chief Executive Officer, SaveWithSunlight
Davis*

Stephen Murray
Director, Baldwin Hills Oil Watch

Kiki La Porta
President, Sustainable Marin

Colorado

Rein van West,
President, Western Colorado Congress

Kaye Fissinger
*President, Our Health, Our Future, Our Longmont
Longmont*

Marcia Dasko
*Board of Managers - President, North Fork Ranch Landowner's Association
Weston*

Jim Ramey
*Director, Citizens for a Healthy Community
Hotchkiss*

Sarah Sauter
*Executive Director, Western Slope Conservation Center
Paonia*

RJ Harrington, Jr.
Executive Director, Clean Energy Action

Keli Kringel and Barb Kowalik
Directors, Citizens for Huerfano County

Jeanne Bassett
Program Director, Environment Colorado

Dan Randolph
Executive Director, San Juan Citizens Alliance
Durango

Roz McClellan
Director, Rocky Mountain Recreation Initiative
Nederland

Allison N. Melton
Public Lands Director, High Country Citizens' Alliance

Bob Winkler
Founder, Frack Files of Weld

Will Roush
Interim Director, Wilderness Workshop
Carbondale

Laura Fronckiewicz
Founder, Our Broomfield
Broomfield

Leslie Robinson
Chair, Grand Valley Citizens Alliance

Elaine Schmidt
Chairperson, Women's international League for Peace and Freedom
Greeley

Conny Jensen
Administrator, Plains Alliance for Clean Air and Water

Christine Canaly
Director, San Luis Valley Ecosystem Council

Connecticut

Chris Phelps
State Director, Environment Connecticut

Georgia

Jennette Gayer
Director, Environment Georgia

Illinois

Lora Chamberlain
Organizer, Frack Free Illinois

Traci Barkley
*Water Resources Scientist, Prairie Rivers Network
Champaign*

Liz Patula
Co-founder, Southern Illinoisans Against Fracturing Our Environment

David A. Kraft
*Director, Nuclear Energy Information Service
Chicago*

Beverley Walter
*Organizer, Citizens to Protect Our Water
Chicago*

Iowa

Douglas C. Harr
President and COO, Iowa Audubon

Dan Kohler
Regional Director, Environment Iowa

Kansas

Ann Suellentrop M.S.R.N.¹
Director, Physicians for Social Responsibility - Kansas City

Maine

Emily Figdor
Director, Environment Maine

Maryland

Eric Robison
President, Citizen Shale

Russell S. Donnelly
*Chairman, SouthEast Communities Against Pollution
Baltimore*

Tom Wolfe
Vice President, Savage River Watershed Association

Anne Ambler
President, Neighbors of the Northwest Branch of the Anacostia River

David Masur
Regional Director, Environment Maryland

Massachusetts

Johanna Neumann
Regional Director, Environment Massachusetts

Michigan

Peggy Case
President, Michigan Citizens for Water Conservation

Virginia Shannon
State Associate, Environment Michigan

Sondra Loucks Wilson
*Facilitator, Justice and Peace Task Force of Plymouth United Church of Christ
Grand Rapids*

Jacque Rose
Co-founder, Friends of the Au Gres-Rifle Watershed

George Bartnick
*Chief Executive Officer, Move to Amend - Grand Rapids
Grand Rapids*

Steve Losher
President, Michigan Land Air Water Defense

Minnesota

Sam Chadwick
Advocate, Environment Minnesota

Mississippi

Dr. Charlotte Keys
Founder, Jesus People Against Pollution

Missouri

Stuart Keating
State Advocate, Environment Missouri

Ann Suellentrop M.S.R.N.ⁱⁱ
Director, Physicians for Social Responsibility - Kansas City

Montana

Walter Archer
Chair, Northern Plains Resource Council

Nebraska

Santana Tamarak
Board Chair, Western Nebraska Resources Council

New Jersey

Georgina Shanley
*Founding Member, Citizens United for Renewable Energy
Ocean City*

Amy Goldsmith
State Director, Clean Water Action New Jersey

Amanda J. Nesheiwat
Director, New Jersey Sustainable Collegiate Partners

Suzanne Golas
*Director, WATERSPIRIT
Elberon*

Lisa Riggiola
*Executive Director, Citizens For A Clean Pompton Lakes
Pompton Lakes*

Andrew Coleman
President, Bus for Progress

Kathy Maher
*President, Coastal Monmouth Democratic Club
Monmouth County*

Diane Wexler
Co-founder, Northjersey Pipeline Walkers

Doug O'Malley
Interim Director, Environment New Jersey

New Mexico

Sanders Moore
Director, Environment New Mexico

Cordia Sammeth
*Member, Committee for Clean Water, Air and Earth
Las Vegas*

New York

Buck Moorhead
Chair, NYH2O

Joe Levine
Director, Citizens for Water

Paul Gallay
President and Hudson Riverkeeper, Riverkeeper

Patti Wood
*Executive Director, Grassroots Environmental Education
Port Washington*

Jill Wiener
Catskill Citizens for Safe Energy

Ellen Z. Harrison
Director, Fleasid

Barbara Warren
Executive Director, Citizens' Environmental Coalition

Linda A. DeStefano
Founding Member, Alliance for a Green Economy

Ramsay Adams
Executive Director, Catskill Mountainkeeper

Andrea Reynosa
*President, The Solution Project
Narrowsburg*

Karen London,
Co-founder, Sullivan Area Citizens for Responsible Energy Development (SACRED)

Eric Whalen,
Field Organizer, Environment New York

North Carolina

Susannah Tuttle, M. Div
Director, North Carolina Interfaith Power & Light

Hope Taylor
Executive Director, Clean Water for North Carolina

Elizabeth Ouzts
Director, Environment North Carolina

David Streifford
Co-founder, Preserve Carolina

Martha Girolami
Haw River Assembly

Ohio

Kari Matsko
Director, People's Oil & Gas Collaborative - Ohio

Heather Cantino
*Steering Committee Member, Athens County Fracking Action Network
Athens County*

Vanessa Pesec
President, Network for Oil and Gas Accountability and Protection

Joanne Gerson
Chair, Southwest Ohio No Frack Forum

Mary Greer
Adjunct Associate, Ohio Organizing Collaborative

Phil Cantino
*President, Friends of Strouds Run State Park
Athens*

Julian Boggs
Director, Environment Ohio

Cheryl Johncox
Executive Director, Buckeye Forest Council

Donna Goodman
President, Athens Conservancy

Gwen Fischer and Jeanne Cebulla
Co-founders, Concerned Citizens Ohio

Lea Harper
Director, FreshWater Accountability Project Ohio

Carol Apacki
Co-chair, Licking County Concerned Citizens for Public Health and Environment

Mary Greer
Adjunct Associate, Stand Up Ohio

Elyse Hirsch
Co-founder, Stark-Summit Coalition

Nick Teti
Co-founder, Coshocton Citizens for Truth About Fracking

Oregon

Sarah Higginbotham
Director, Environment Oregon

Pennsylvania

Cherie Eichholz
Executive Director, Physicians for Social Responsibility - Philadelphia

Barbara Arrindell
*Director, Damascus Citizens for Sustainability
Damascus Township*

Jenny Lisak
Co-director, Pennsylvania Alliance for Clean Water and Air

Julie Ann Edgar
*Organizer, Lehigh Valley Gas Truth
Bethlehem*

Diane Sipe
*President, Marcellus Outreach Butler
Butler County*

Karen Feridun
*Founder, Berks Gas Truth
Berks County*

Beverly Braverman
Executive Director, Mountain Watershed Association

Krissy Kasserman
Youghiogheny Riverkeeper

Josh McNeil
Executive Director, Conservation Voters of Pennsylvania

James W. Abernathy
Interim President and CEO, PennFuture

Loretta Weir
Founder and Director, Communities United for Rights and Environment

Iris Marie Bloom
Executive Director, Protecting Our Waters

Rebecca Roter
Chairperson, Breathe Easy Susquehanna County

Erika Staaf
Clean Water Advocate, PennEnvironment

Jay Sweeney
Chair, Green Party of Pennsylvania

Briget Shields and Gloria Forouzan
Coordinating Committee, Marcellus Protest

Jason Bell
Co-founder, Tour de Frack

Rhode Island

Channing Jones
Program Associate, Environment Rhode Island

Tennessee

Eric Lewis
Administrator, Coalition for a Frack-Free Tennessee

Dorene Bolze
*Executive Director, Harpeth River Watershed Association
Middle*

Texas

Jim Schermbeck
*Director, Downwinders at Risk
Dallas-Fort Worth*

Marc W. McCord
*Director, FracDallas
Dallas*

Alyssa Burgin
Executive Director, Texas Drought Project

Luke Metzger
Director, Environment Texas

Virginia

Sarah Bucci
Field Organizer, Environment Virginia

Washington

Katrina Rosen
Field Director, Environment Washington

West Virginia

Julie Archer
Project Manager, WV Surface Owners' Rights Organization

Vivian Stockman
*Project Coordinator, Ohio Valley Environmental Coalition
Huntington*

Sheryle A. Evasic
*President, Blue Heron Environmental Network Inc.
Hedgesville*

Gary Zuckett
Executive Director, WV Citizen Action Group

Cynthia D. Ellis
President, West Virginia Highlands Conservancy

Wayne Woods
President, Doddridge County Watershed Association

Wisconsin

Al Gedicks
*Executive Secretary, Wisconsin Resources Protection Council
Tomahawk*

Patricia Popple
President, Concerned Chippewa Citizen

Megan Severson
State Advocate, Wisconsin Environment

Craig Brooks
Secretary/Treasurer, Buffalo County Defenders
Buffalo County

Linda Mossman
Member, Save Our Town Whitehall
Whitehall

Mary Lee Hegnauer
Member, Preserve Trempealeau County
Trempealeau County

Wyoming

John Fenton
Chair, Powder River Basin Resource Council

Duane Short
Wild Species Program Director, Biodiversity Conservation Alliance
Laramie

Trevor Stevenson
Executive Director, Jackson Hole Conservation Alliance
Jackson Hole

ⁱ 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.

ⁱⁱ See note above.