TESTIMONY OF SIMON LOMAX
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HEARING ON
"HYDRAULIC FRACTURING: BANNING PROVEN TECHNOLOGIES ON POSSIBILITIES RATHER THAN PROBABILITIES?"

BEFORE THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES

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Chairman Smith, Ranking Member Johnson and distinguished members of the Committee, thank you for inviting me to testify on the examination I have conducted, which takes a close look at the integrity of the research used by the governor of New York to justify his ban on the application of certain hydraulic-fracturing related technologies in the Empire State. In addition to today's testimony, I have provided the Committee with Energy In Depth's recently released white paper entitled, *Inside New York's Anti-Fracking Echo Chamber.*

Energy In Depth is a program of the Independent Petroleum Association of America. The IPAA represents thousands of independent oil and natural gas producers and service companies across the United States, and its members develop 95 percent of the nation's oil and gas wells.

On Dec. 17, 2014, Gov. Andrew Cuomo announced a ban on so-called high-volume hydraulic fracturing activities in the state of New York. The unprecedented decision overturned two earlier findings from New York state environmental regulators that hydraulic fracturing technology could be applied safely and should be allowed to proceed under stringent regulation. The decision was at odds with broad agreement among scientists, engineers and regulators from state and federal environmental agencies that hydraulic fracturing has been conducted safely for decades – including, incidentally, in New York itself.

The "ban fracking" agenda endorsed by the Cuomo administration has also been rejected by leading national Democrats, including senior environmental officials in the Obama administration, as simply too extreme. Against this backdrop, the question we sought to answer as part of our investigation was how Gov. Cuomo was able to construct a justification for a decision that falls so far outside the mainstream?

Through our research, we have found strong evidence of particularly acute political pressure being applied by an organized and well-funded network of foundations and activist groups opposed to oil and gas development, and particularly shale development, in New York. These professional activists were able to influence the findings of the 184-page "public health review," prepared by Gov. Cuomo's health commissioner to justify the ban. Indeed, research papers praised by the Cuomo administration as "bona fide scientific literature" included reports that

were financed and produced almost entirely by professional opposition groups. Moreover, the same group of foundations funding the research also had strong financial ties to several media platforms that promoted the research, as well as the "ban fracking" campaign groups that used the research to lobby the Cuomo administration.

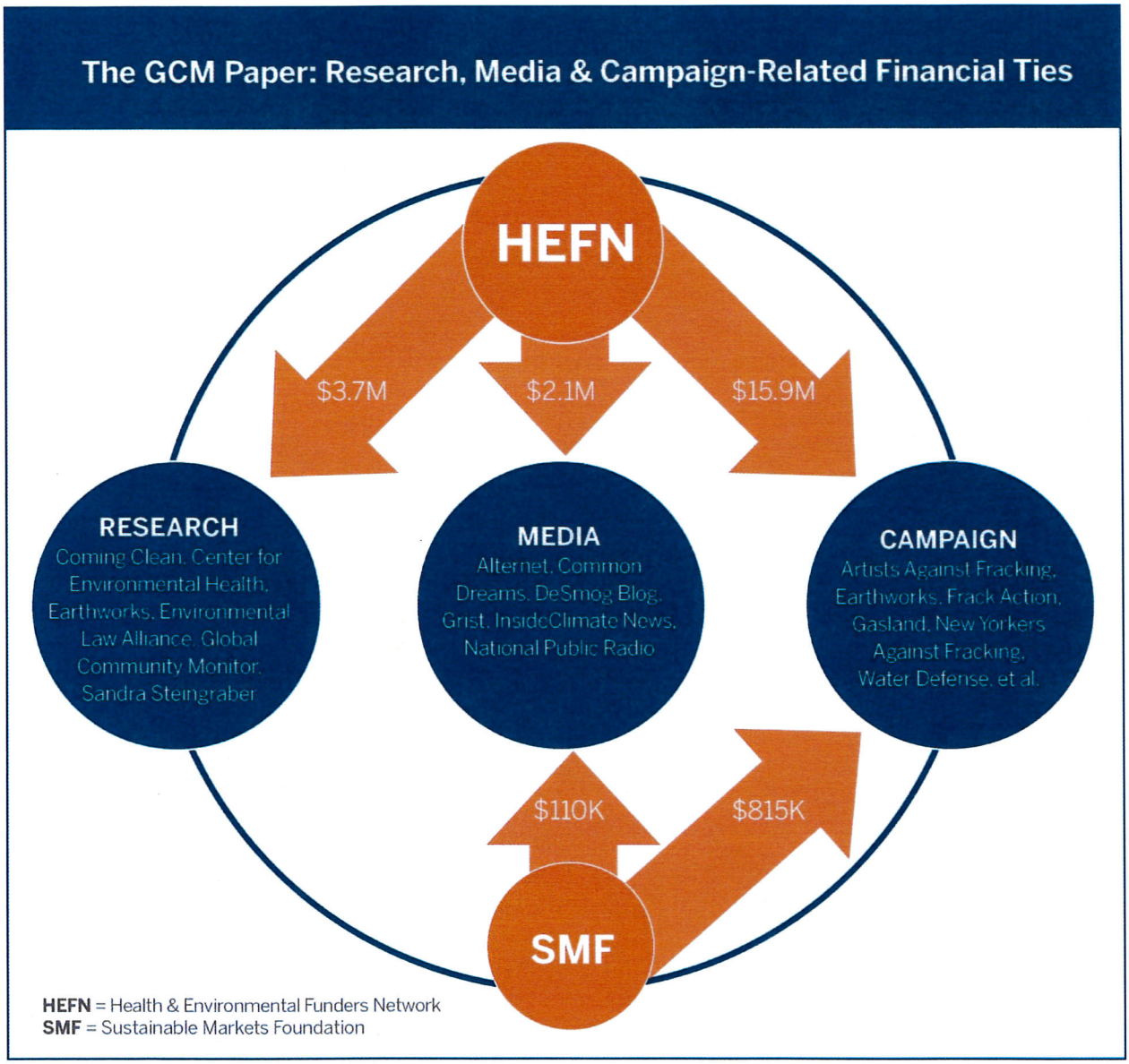
In effect, the foundations marshaled their resources to create an echo chamber of research, media and campaign activities that drowned out the facts in New York's debate over hydraulic fracturing and Marcellus development. In particular, our research provides a detailed account of the close relationship between the Health and Environmental Funders Network (HEFN) – led by the Park Foundation – the Sustainable Markets Foundation (SMF), and six key research studies cited by the Cuomo administration to justify the shale ban. These six studies are:

- Air Concentrations of Volatile Compounds Near Oil and Gas Production: a Community Based Exploratory Study (The Global Community Monitor Paper)
- Toward a Better Understanding and Quantification of Methane Emissions from Shale Gas Development, (The Ingraffea & Howarth Paper)
- Environmental Public Health Dimensions of Shale and Tight Gas Development, by Shonkoff (The PSE Paper)
- Gas Patch Roulette: How Shale Gas Development Risks Public Health in Pennsylvania (The Earthworks Paper)
- Methane Contamination of Drinking Water Accompanying gas-well Drilling and Hydraulic Fracturing (The Nicholas School Paper I)
- Increased Stray Gas Abundance in a Subset of Drinking Water Wells Near Marcellus Shale Gas Extraction (The Nicholas School Paper II)

In the whitepaper we are releasing today, we highlight and examine the many substantive issues that undermine the factual basis upon which these research papers are founded. From there, we map out how the findings of this research are packaged up, sent out to, and promoted aggressively by various media platforms that, in many cases, receive funding from the same sources that underwrite both the development of the original research, and activist-led advocacy work that amplifies it subsequent to its release.

For example, when New York health commissioner Howard Zucker held up a paper developed by a group called Global Community Monitor (GCM) as an example of "bona fide" research, he failed to mention that six of the study's authors had direct ties to opposition groups. Moreover, all three peer reviewers also failed to disclose their personal opposition to shale development, in violation of widely accepted codes of professional conduct. One of the reviewers, who claimed afterward that she was unbiased, is literally the co-founder of a group called New Yorkers Against Fracking.

HEFN and SMF's financial ties to the groups that produced the GCM paper exceed $3.7 million. Their ties to media outlets that promoted the GCM paper, including InsideClimate News, Grist and others, exceed $2.2 million. This research and media coverage directly benefited campaign organizations that have received in excess of $16 million from the HEFN and SMF alone to build the political case for banning shale development in New York. The money trail for the GCM paper is depicted in the graphic below.



The strategy behind this anti-fracking echo chamber was articulated in 2011 by Adelaide Park Gomer, president of the Ithaca, N.Y.-based Park Foundation, which leads the HEFN's work on hydraulic fracturing:

> *We approached the issue from every angle. We supported science, research, corporate influence, policy, legal issues, health effects, economic forecasting, grassroots efforts, media, and investment strategies. This is the first time that we used such a comprehensive approach to an issue in concert with so many strategic partners…*
>
> *In our work to oppose fracking, the Park Foundation has simply helped to fuel an army of courageous individuals and NGOs [non-government organizations] …*

It is important that if Cuomo should change his mind and come out against fracking, he knows that we in this room and our thousands of allies around the state will have his back.

As the whitepaper shows, when the foundations that finance anti-fracking activism said they would campaign against shale gas development "from every angle," they meant business.

Thank you for the opportunity to present and discuss my findings. I am happy to answer any questions you may have.