

COMMITTEE ON
**SCIENCE, SPACE, AND
TECHNOLOGY**
CHAIRMAN LAMAR SMITH



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**Statement of Environment Subcommittee Chairman Chris Stewart (R-Utah)
Hearing on Lessons Learned: EPA's Investigations of Hydraulic Fracturing**

Chairman Stewart: I want to thank the witnesses for being here today, including John Rogers from the Department of Natural Resources in my home state of Utah.

EPA's recent announcement that it is walking away from its attempt to link hydraulic fracturing to groundwater issues in Pavillion, Wyoming is the most recent example of the agency employing a "shoot first, ask questions later" policy toward unconventional oil and gas production. Following investigations in Parker County, Texas and Dimock, Pennsylvania, this marks the third case in which EPA has made sweeping allegations of fracking-caused contamination, only to have to recant these claims later due to errors, omissions and breaches of protocol. At a time when so many Americans are learning to distrust our federal government, this is another blow for the credibility of our federal agencies.

This hearing is focused on EPA's ongoing study of hydraulic fracturing, a project initiated by a single line in a 2010 appropriations bill that has blossomed into an examination costing tens of millions of taxpayer dollars that may not be complete until the latter half of this decade. Given EPA's rush to judgment in Wyoming, Texas, and Pennsylvania, we should question whether the Agency's ongoing study is a genuine, fact-finding, scientific exercise, or a witch-hunt to find a pretext to regulate.

Officials from EPA's Office of Research and Development – the scientists who are in charge of this study – have stated publically that they are also conducting "a pretty comprehensive look at all the statutes to determine where 'holes' may allow for additional federal oversight." These same officials have also overseen large shifts in both the study's timeline and the scope of the study since the last time the Agency's independent Science Advisory Board weighed in.

Given this Administration's anti-fossil fuel, pro-environmental alarmism approach to energy, we need to be vigilant in ensuring that the Agency does not put the regulatory cart before the scientific horse, threatening tens of thousands of good-paying jobs and hundreds of millions of dollars in economic development that have resulted from oil and gas production in recent years. Toward that end, this Committee, which has jurisdiction over the study and all science at EPA, has held dozen of hearings and sent far too many letters to the regulators in the last two Congresses.

For example, in the beginning of May of this year, I sent a letter to the newly-formed independent Science Advisory Board panel on hydraulic fracturing asking what I thought were some fundamental questions about EPA's ongoing study. I'd like to enter a copy of this letter into the record. Under the Environmental Research, Development, and Demonstration Act of 1978, SABs were created to "provide such scientific advice as may be requested" by this Committee.

Let me say that again. SABs were created to provide scientific advice to this committee. Unfortunately, despite promises made to the members of this panel, EPA's lawyers have prevented the supposedly-independent panel of experts from responding directly to these questions, wasting taxpayer resources and preventing the Board from following the law. Even worse, EPA's Office of General Counsel has refused to meet with me or my staff to explain this position.

It bothers me that the Office of General Counsel refuses to meet with me or my staff. With such arrogance and dismissiveness, little wonder the Administration is losing the confidence of the American people as well as this Congress.

This panel provided critical comments back to EPA on its study progress in late June, and, unfortunately, much of feedback that we received reiterated many of the concerns that we have. Independent scientists raised questions about the nature of EPA's study and whether it would have any use for decision-making. One panelist suggested that the Agency needs to "examine the rapid changes of chemicals... being used and future trends toward greener chemicals." Another summarized that the failure to consider industry practices "runs the risk of making the agency's evaluation of the data, which in some cases will be several years old, obsolete and not relevant to the public, industry and decision makers at all levels in 2014."

Several members of this independent panel – whom, by the way, were appointed by the EPA Administrator – stated that the Agency's figures and characterizations were "misleading," lacked relevant context, and were designed to produce "self-fulfilling results."

The Administration's interagency fracking research is now over a year late in making its study plan public. This seems especially important in light of a landmark study released this week by DOE's National Energy Technology Laboratory showing no evidence that fracking chemicals impacted drinking water in western Pennsylvania.

I look forward to this very important hearing.

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