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Media Contacts: Kim Smith Hicks, Zachary Kurz
(202) 225-6371

**Statement of Energy Subcommittee Chairman Cynthia Lummis (R-Wyo.)
Hearing on Lessons Learned: EPA's Investigations of Hydraulic Fracturing**

Chairman Lummis: Good morning and I thank the Chairman of the Environment Subcommittee for holding this important hearing, Lessons Learned: EPA's Investigations of Hydraulic Fracturing. I want thank the witnesses for taking the time to be here this morning and I look forward to their valuable testimony.

The EPA's Study of the Potential Impact of Hydraulic Fracturing on Drinking Water Resources has been going on for over three years now, and the final report is expected next year. Given the national—and international—interest in the results of this endeavor, I think it's important that the Committee takes this time to take a step back and assess the Agency's track record on hydraulic fracturing. I hope that phrase lessons learned can be a useful starting point this morning as we review past EPA behavior in order to inform and hopefully improve its ongoing work on hydraulic fracturing. Unfortunately, the Agency's track record in this regard—particularly in my home state of Wyoming—gives me no cause for confidence.

Initially, I was pleased to hear last month that the Agency decided to terminate all work on its draft report alleging fracking contaminated ground water in Pavillion, Wyoming. This undertaking was so riddled with mistakes in well construction, errors in sampling techniques, and failures to follow protocol that even the USGS--a fellow federal agency--could not replicate the results. However, while I am relieved that EPA decided to stop digging itself into a deeper scientific hole, I am extremely troubled that the Agency continues to brazenly insist it "stands by its work" on Pavillion.

I hope the EPA will avoid making these same mistakes in its broader, ongoing study, but cause for optimism is wanting. The study design is flawed and indicative of the Agency's characteristic outcome-drive approach to hydraulic fracturing, where achieving desired conclusions takes precedent over basing those conclusions on the best available science. In that vein, this study, intended to be a seminal and authoritative work on whether or not hydraulic fracturing impacts drinking water, is guided by a search for what is possible, rather than what is likely or probable.

In this manner, the Agency appears headed toward developing conclusions completely divorced from any useful context. It is akin to a weatherman warning citizens to take shelter based on the possibility that a storm will occur, without including any indication of when the storm might occur, where it might hit, and how likely it is to actually take place. I am not alone in this concern, as several of the panelists on the EPA's Science Advisory Board's Hydraulic Fracturing Research Advisory have similarly expressed apprehension over the lack of context the Agency is providing and its neglect of risk assessment.

Let me just read a few of those comments, which I urge the EPA to incorporate:

- “To simply discount the regulatory network in place and model “what if” and “worse case” scenarios will not produce realistic results”
- “relevant context has to be taken into account”
- “...absent information on chemical concentrations, amounts used, site storage conditions, duration of storage onsite, and containment systems, the information will not support an assessment of the potential impact to drinking water resources.”
- “Inappropriately, this experimental design produces self-fulfilling results”
- “clearly, EPA should do much more to put this information into context”

These statements summarize just some of the concerns I have with EPA’s approach to hydraulic fracturing, concerns I hope are a result of a collection of honest mistakes made by the Agency rather than a calculated pattern of behavior based on regulatory intentions. I look forward to hearing how the Agency has learned from its past work and plans to improve its work in the future.

Thank you Mr. Chairman, and I yield back.

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