

Despite Industry Lobbying FRAC Act still on Track

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With all the recent attention given to the Health Care debates over the past three weeks, the FRAC Act seems to have fallen through the cracks. Add to that the intense lobbying pressure by the oil and gas industry – in the past half year they spent over \$58 million to influence our elected representatives – and you might believe the articles reporting that the co-sponsors of the FRAC Act have changed their tactics, content to just call for further environmental studies.

Nothing could be farther from the truth. Congressman Maurice Hinchey's office reports that the FRAC Act - HR 2766, the "Fracking Responsibility and Awareness of Chemicals Act" - is still on track.

Industry Throws Money At The Problem

In what they have characterized as "an extremely challenging environment" oil and gas companies have ramped up their spending over the past few months. According to one report, Devon Energy spent over \$700,000 on lobbying in the past three months; last year they spent just over \$600,000 for the entire year. Chesapeake has increased their spending this year, already shelling out over \$160,000 to gain the ears of elected officials.

While a good portion of this spending is directed to combat climate change legislation, energy companies are focusing their eyes – and their dollars – on proposed regulations. Will this money sway our congressmen from their support of the FRAC Act? Not likely.

Congressional Support Grows

Congressman Hinchey is not backing off from the FRAC Act. "This is a top priority for him," Mike Iger, a press spokesman for Hinchey's office said just before the congressman returned to Washington. Iger confirmed that in addition to the FRAC Act, Hinchey asked the Environmental Protection Agency (EPA) director Lisa Jackson to direct EPA to conduct a new study on the risks that fracking poses to drinking water supplies.

In June, the House Appropriations Committee approved a provision authored by Hinchey that formally urges EPA to re-do their 2004 review of fracking. The 2004 EPA study, used to justify the exemption of the oil and gas industry from SDWA, is widely considered to be flawed; government scientists claim that some data was selectively collected from sources that had a vested interest in the oil and gas industry, while other relevant information was deleted.

But that doesn't mean that Hinchey and the other sponsors of the FRAC Act are letting up their pressure to move the bill through congress, Iger said. In fact, over the past three months the bill has gained a few more sponsors. Now 17 members of the House have signed on as co-sponsors of this legislation. In addition to Hinchey, four more NY representatives are co-sponsoring the bill: Michael Arcuri, Eric Massa, Carolyn Maloney, and John M. McHugh. So far, Patrick J. Murphy is the only co-sponsor from Pennsylvania.

Right now the FRAC Act is sitting in the House Energy and Commerce Committee, chaired by Henry A. Waxman. Colorado congresswoman Diana DeGette, one of the original sponsors who introduced HR 2766, sits on the committee. So do Eliot L. Engel and Anthony D. Weiner, two NY congressmen who are not co-sponsors of the FRAC Act.

Iger said that a few gas industry representatives had dropped by to talk with Hinchey. “When they leave, they understand the reasons for the bill,” Iger said. “All the FRAC Act does is go back to how they [gas companies] operated before 2005. The only difference is in the disclosure,” Iger said.

Meanwhile a companion bill, S 1215, has been introduced in the Senate by PA Senator Robert Casey, Jr. NY Senator Charles Schumer is one of two co-sponsors. That bill has been referred to the Senate’s Committee on Environment and Public Works, of which NY Senator Kirsten Gillibrand and PA Senator Arlen Specter are members. As of last week neither of them is co-sponsoring the bill.

Support from the Agricultural Sector

Environmental groups aren’t the only ones supporting the bill; the FRAC Act is also garnering support from parts of the agricultural community. In July the Northeast Organic Farming Association of New York (NOFA-NY) came out in support of the bill.

Referring to the hydraulic fracturing used to extract natural gas from shale, Steve Gilman, NOFA-NY Policy Coordinator said, “No technology is so important that the quality of the water we use to grow our food (and for drinking and washing) should be compromised for the benefit of a particular industry.”

“Organic farmers are encouraged that our NYS federal representatives are going to bat for all the state’s farmers,” Gilman told the press. He explained that NY’s organic farmers take great care to grow food under the exacting standards of the USDA’s National Organic Program.

Consumers who have the freedom to choose organically grown food should also be free from other unwanted chemicals in their diet. Gilman noted that unregulated hydro-fracking may put at risk the drinking water supplies of 30 million people in the Southern Tier, New York City and Philadelphia – all of them dependent on watersheds which will feel the impacts of drilling in the Marcellus Shale.

“No industry should be allowed to contaminate our public water resources through unregulated release of potentially toxic chemicals into the environment,” Gilman said. “Such contamination will affect all farmers, both conventional and organic.” Furthermore, he pointed out that the New York Farm Bureau, at its 2009 annual meeting, adopted the policy that all the chemicals used in hydro-fracking be disclosed to the public.