

Colo. Lawmaker Withdraws Natural Gas 'Fracking' Amendment to Water Bill

Paul Quinlan, Greenwire, 5-27-10

Colorado Democrat Diana DeGette withdrew a proposed amendment today from House water legislation that would have expanded regulation of a controversial oil and gas production technique some say has contributed to groundwater pollution.

DeGette's amendment to a water-infrastructure bill (H.R. 5320), which the Energy and Commerce Committee went on to pass with only one no-vote, would have required drillers under the Safe Drinking Water Act to disclose the chemicals used during hydraulic fracturing to state regulators or U.S. EPA.

DeGette, who has led House efforts to better regulate the practice, said she believed such reporting would be helpful to both an ongoing committee investigation and a two-year EPA investigation into the practice also under way. But she ultimately withdrew the measure, saying she had been contacted by industry representatives who suggested that compromise language was possible.

"We're going to work with the committee staff and the industry to have some compromise language," DeGette said.

Rep. Henry Waxman (D-Calif.), who chairs the committee and had negotiated extensively with committee Republicans over other controversial amendments to the water bill, acknowledged the need to investigate and cited the parallel EPA and committee investigations before asking DeGette to withdraw the amendment.

"This is an issue that merits further consideration," Waxman said. "Now is not the right time for this change."

Republicans have been staunchly opposed to efforts to further regulate hydraulic fracturing. And five gas-state committee Democrats yesterday signed on to a letter to Waxman and Energy and Environment Subcommittee Chairman Ed Markey (D-Mass.) voicing their support of keeping hydraulic fracturing regulation as is.

Even after DeGette announced she was pulling the amendment, an impassioned debate ensued that highlighted the controversy surrounding the call for regulation. Republicans argued that states currently have the right to require some disclosure of the ingredients used, authority which they called sufficient. They said expanding EPA's role could lead to further regulation that would harm an industry that could tap massive deposits of gas, an important domestic source of energy, they said.

"If you give EPA regulatory authority to require disclosure then implicitly you give them regulatory authority over the process itself, and that could be very detrimental to the oil and gas industry," said Rep. Joe Barton (R-Texas), ranking member of the committee.

Hydraulic fracturing is a decades-old production technique that blasts water, sand and chemicals into a wellbore to break apart compact rock and release trapped hydrocarbons. As the technology's use has swelled in attempts to tap the prolific Marcellus Shale in Appalachia and others, environmentalists and lawmakers have raised concerns about the technology's potential to contaminate groundwater.