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OF THE UNITED STATES

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September 10, 2012

To: Department of the Interior, Bureau of Land Management

From: Elisabeth MacNamara, President

Re: Comments of the League of Women Voters of the United States on the Proposed Rule: Oil and Gas: Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands

Attention: 1004-AE26
Document ID BLM-2012-0001-000

The League of Women Voters of the United States (LWVUS), with its long tradition of advocacy for natural resources, is grateful for the opportunity to provide input to the Bureau of Land Management (BLM) regarding proposed rules related to oil and gas – specifically those involving well stimulation, including hydraulic fracturing, on Federal and Indian Lands.

At its 2010 National Convention held in Atlanta, Georgia, LWVUS unanimously adopted a resolution to support safe drilling and mining practices. We support the significant strengthening of appropriate regulation, oversight, inspection, and penalties associated with the development of fossil fuel resources. This strengthening includes the elimination from national legislation of the exemptions for drilling and mining, as well as additional legislation requiring the federal agencies to regulate drilling and mining in a manner consistent with the preservation of a healthy environment.

As part of our national position, derived through study and consensus by Leagues across the nation, we believe *that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health" (Statement on Natural Resources, as Affirmed by the 1986 Convention).* Further, the LWVUS supports:

- full disclosure of pollution data;
- management of land as a finite resource not as a commodity;
- identification and regulation of areas of critical concern... including ...rare or valuable ecosystems; significant wildlife habitats; unique scenic or historic areas; wetlands..." and "renewable resource lands, where development could result in the loss of productivity (such as watersheds,

- aquifers, and aquifer-recharge areas, significant agricultural and grazing lands, forest lands); and
- policies to ensure safe treatment, transportation, storage and disposal of solid and hazardous wastes in order to protect public health and air, water and land resources.

On review of the proposed rules, we are encouraged by efforts to update the regulations governing hydraulic fracturing. However, we would suggest your consideration of the following issues under each of the subsections listed below.

Disclosure

Because transparency is a LWVUS core belief essential for good government, disclosure is critical – particularly on public lands and in processes that impact public health. We would encourage you to maintain the proposed language while adding the requirement to disclose chemicals after, as well as before, fracking. Such information is essential for testing water sources in the vicinity of extraction sites. Given the unpredictable upwelling and migration of liquids through evolving geological formations, the use of tracers in the injected chemicals should be considered as a way to track chemicals and determine sources of contamination.

Confidential “trade secret” information must be made available immediately to emergency responders and medical professionals. This is critical to treating patients and responding to unanticipated consequences. Such data is also essential for vital research related to epidemiological studies essential to the protection of public health.

Well Integrity

Given existing and projected data on the short- and long-term failure rate of well casings, the proposed rules are a step in the right direction. However, they are not based on the best available practices or current technology. To protect water sources, requirements should be extended to include language to address the depth below the usable water that the surface casing must be set and the design and use of intermediate and production casing. While the existing language speaks to the surface casing, additional provisions should address cement logs on intermediate and production casing to ensure proper isolation of hydrocarbon-bearing zones. It would be prudent to establish different standards of well integrity based on the seismic character of the geological formations involved in the extraction process.

Toxic Waste Management

The disposal of wastes from fracking and other fossil fuel extractive processes is problematic. Both today and in the past, disposal has created serious and permanent damage to the environment and public health. To reduce these problems, the BLM proposal should require best practices that continue to evolve with technology. This includes the use of closed loop systems to capture waste in tanks rather than open pits. To

protect clean air, requirements, consistent with federal rules to be implemented in 2014, should be put in place immediately to require the capturing of toxic air contaminants and global warming pollutants. Both of these changes, related to waste disposal, are of benefit to both the well-being of the public and the bottom line of the industry. Because of the inclusion of heavy metals, toxic chemicals, and even radioactive substances in some fracking waste, it is essential that wastes from the oil and gas industry be appropriately classified and treated as hazardous.

The proposed regulations need to be more comprehensive in addressing the governing of hydraulic fracturing. To extend the ruling, LWVUS recommends that BLM rules should:

- outlaw the use of diesel and similar petroleum distillates in fracking operations on lands under federal leases;
- prohibit the use of selected lands completely from oil and gas exploration based on their environmental sensitivity, proposed or present wilderness designation, or their critical location in support of water sources;
- establish safe setbacks from life-supporting ecological areas and from homes, schools, and other areas, as appropriate, to protect the public health and natural environment.
- safeguard our water sources, gather pre- and post- test data on water sources over time relative to natural gas operations, and disclose all water quality and quantity findings to the public, impacted landowners, and federal agencies, including the BLM.

In closing, because of the evolving nature of the industry and the growing bank of information relative to its consequences, LWVUS encourages you to provide language in the rules that require periodic updates of the regulations. One way to do this is to have the BLM proposal be automatically updated to reflect the most stringent rules adopted by any state within our nation. In this way, the BLM will be able to ensure that public health, our lands, our air, our water, and our wildlife are protected today and for generations yet to come.

LWVUS appreciates the opportunity to public comment on this matter of high priority to many of Leagues throughout the nation. Thank you for your kind consideration.