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 Exposure of Underground Miners to Diesel Exhaust

Comment On: MSHA-2014-0031-0076
 Exposure of Underground Miners to Diesel Exhaust: Request for Information; Reopening of Rulemaking Record; Extension of Comment Period

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 Comment from d d, NA

Submitter Information

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General Comment

The Water Study was Designed to Fail , Above all of the Administration-wide scientific inquires, the EPA national water study had perhaps the most egregious example of pushing the limits in an effort to needlessly overregulate oil and natural gas development. A manipulation so ridiculous that it defies logic even for this Administration's EPA, and is either evidence of a willful attempt to manipulate data or an impressive lack of understanding of the industry and its practices that EPA so desperately wants to regulate. In 2009, Congress urged EPA to conduct a national study on the relationship between hydraulic fracturing and drinking water. The legislative text was prescriptive: EPA was to study whether or not a relationship exists between the specific act of hydraulic fracturing and drinking water. However, as should have been expected, the Agency's approach to the study extended far beyond Congressional intent and was used to advance its own agenda. From the time EPA's Office of Research and Development and Office of Water jointly launched the effort, it was clear the Agency intended to use the study as a tool to create a need for increasing federal regulation of hydraulic fracturing regardless of any scientific facts or study outcomes. Despite clear Congressional language, EPA tried to alter the mandated scope of its inquiry to seize any potential opportunity to justify a federal regulatory power grab. Emails obtained by the Committee provide evidence of EPA scheming to push the limits of the study's parameters. In one instance, an email from an EPA official and member of the hydraulic fracturing study steering committee reveals that as of March 11, 2010. After unilaterally expanding the study, EPA ignored warnings by the Science Advisory Board (SAB) that its scope was too broad, inconsistent, and included aspects not directly related to the

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hydraulic fracturing process. EPA then failed to follow its own quality management plan, which was found to lack detail and guidance for integral elements of the Agency's quality system. Next, EPA released its study plan and hand-picked five sites where there had been previous accusations of groundwater contamination to conduct retrospective case studies. Rather than focus on prospective sites, EPA moved forward with the study plan by collecting data on retrospective sites. Notably, the retrospective sites EPA selected were developed before the study launched in 2010, so the Agency reviewed sites that had been operating with currently outdated technology. almost none of EPA's findings from the retrospective reviews will apply to the majority of currently producing wells or be relevant to current industry practices. the Agency failed to initiate prospective case studies, which would have allowed the Agency to review current practices by testing groundwater before development and monitor it during and after development. As such, the Agency lacks a baseline of information on the groundwater to compare before and after development, a vital component to a complete scientific review. The narrowed analysis makes it extremely difficult to rule out countless other possible sources of contamination, such as naturally occurring substances or other industrial wastes. the study's sample size that EPA selected was extremely small and "possibly statistically biased." Among all the oil and natural gas producers, EPA asked only nine to volunteer their participation, omitting a number of the top producing energy exploration and production companies in the U.S. In addition to concerns over EPA's scope, significant gaps existed in EPA's data, and there was no quality assurance in EPA's potential conclusions. Similar to its draft report, EPA was expected to make conclusions over potential impacts, but it has no plans to assess risk or attempt to quantify them. For example, the draft report concluded there were potential hazards associated with the chemicals used in fracturing fluid, but EPA affirmed "the agency is not conducting a full risk assessment as part of this study," which would appropriately clarify the level or likelihood of harm and provide a more honest assessment to the public. Aside from EPA's manipulated approach to the water study, the Agency's final study plan inappropriately expanded the scope of the study likely wasting taxpayer dollars. They expanded the scope to include research projects on the life cycle of water in hydraulic fracturing and environmental justice impacts, which was not part of the purpose of the study. In fact, the House of Representatives Committee on Appropriations had to intervene and direct the Agency to narrow the scope of the study, stating "No funds have been provided in the bill to research environmental justice impacts related to hydraulic fracturing, and EPA shall discontinue the use of any resources that may have been diverted to this subactivity."