August 5, 2013

Dear Member of Congress,

We write to you today to ask that you cosponsor important legislation to better protect the environment and public health from the risks of oil and gas production.

Our nation is experiencing a rush of oil and gas drilling largely brought about by the use of advanced hydraulic fracturing (fracking). Millions of Americans live, work, attend school, or recreate on or near lands impacted by oil and gas development in approximately 30 states. It is well known that oil and gas development, drilling, fracking, and related activities can emit an array of dangerous pollutants. Many of these are known to cause harm to human health, including pollutants associated with cancer, respiratory diseases, reproductive problems, neurological damage, and other serious illnesses. Yet in spite of these risks, the oil and gas industry has been given unwarranted exemptions from seven of our nation’s bedrock environmental laws.

Fortunately, legislation has been introduced to close the special loopholes in four of these statutes: the Safe Drinking Water Act, Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Our organizations urge you to cosponsor each of these important measures. These commonsense bills would ensure that oil and gas production and related activities, including drilling and fracking, are held to the same health and environmental standards as other potentially harmful industrial activities.

The FRAC Act (H.R. 1921, S. 1135) closes the loophole in the Safe Drinking Water Act (SDWA) that excludes hydraulic fracturing from SDWA’s Underground Injection Control Program (UIC). The UIC program is intended to protect underground sources of drinking water from endangerment, but a 2005 amendment expressly exempted fracking operations from the regulatory requirements of the SDWA/UIC permitting program unless diesel is used in the fracking fluid. This leaves sources of drinking water in more than 30 oil- and gas-producing states unprotected by the SDWA, even though hundreds of chemicals—many of them toxic and/or carcinogenic—are potentially used during fracking. The FRAC Act would also require companies to publicly disclose the chemicals used in fracking.

The BREATHE Act (H.R. 1154) closes the loopholes in the Clean Air Act (CAA) that currently allow emissions of significant toxic air pollution from oil and gas exploration and production. Under the CAA, the comprehensive law regulating air pollution, the Environmental Protection Agency sets emissions standards for cars, factories, and other sources of air pollutants. The oil and gas industry, however, is exempt from the law’s requirement that the emissions of multiple related small sources that are under common ownership be aggregated to determine total emissions. As a result, closely associated wells and related facilities do not have to meet the same air quality standards for emissions of hazardous air pollution (including volatile organic compounds, smog-forming nitrogen oxides, and carcinogens) that other major sources of these dangerous pollutants must meet.
The FRESHER Act (H.R. 1175) would close the loophole in the Clean Water Act (CWA) that endangers water quality near oil and gas production activities. The CWA is the foundational law that protects American rivers, streams, wetlands, and other waterways from pollution. Under the CWA, a permit is required for large-scale, ground-disturbing activities that increase stormwater runoff and the risk of water pollution. This important permitting requirement, however, has been waived for oil and gas production, even though the runoff from oil and gas well pads and related infrastructure can be contaminated with dangerous pollutants. Such runoff can and has polluted waterways – degrading water quality, and damaging aquatic habitats.

The CLEANER Act (H.R. 2825) would close the loophole in the Resource Conservation and Recovery Act (RCRA) that currently prevents appropriate treatment of hazardous wastes from oil and natural gas production. RCRA requires the safe handling, transport and disposal of hazardous wastes. In the 1980s, however, wastes from oil and gas exploration and production were exempted from RCRA’s safety requirements for toxic waste management, even though these wastes (including fracking fluids and produced waters) contain dangerous substances including volatile organic compounds, acids, lead and other heavy metals, petrochemicals including diesel fuel, and radioactive materials. As a result, the task of regulating oil and gas wastes has been left to a patchwork of inadequate regulation among states, leading to the widespread mismanagement of these dangerous materials.

As drilling and fracking rapidly expand across the nation, it is now time to protect communities and human health from the risks of fossil fuel development by updating the laws that have given the industry a free pass to pollute. As Americans grow increasingly concerned about the impacts of this drilling boom, it is more important than ever that we hold the oil and gas industry to the same health and environmental protection standards as other industries. Our organizations urge you to cosponsor these four important bills to better safeguard families and communities nationwide.

Sincerely,

National and Regional Businesses and Organizations

Michael Brune  
Executive Director, Sierra Club

Trip Van Noppen  
President, Earthjustice

Frances Beinecke  
President, NRDC

Gene Karpinski  
President, League of Conservation Voters

Erich Pica  
President, Friends of the Earth
Dan Shugar  
*Chief Executive Officer, Solaria*

Seth B. Shonkoff, PhD, MPH  
*Executive Director, Physicians Scientists & Engineers for Healthy Energy*

Wenonah Hauter  
*Executive Director, Food & Water Watch*

Margie Alt  
*Executive Director, Environment America*

Robert Wendelgass  
*President & CEO, Clean Water Action*

May Boeve  
*Executive Director, 350.org*

Anna Galland  
*Executive Director, MoveOn.org*

Jamie Williams  
*President, The Wilderness Society*

Katie Huffling  
*Director of Programs, Alliance of Nurses for Healthy Environments*

Peggy M. Shepard  
*Executive Director, WE ACT for Environmental Justice, Inc.*

Jennifer Krill  
*Executive Director, Earthworks*

Catherine Thomasson, MD  
*Executive Director, Physicians for Social Responsibility*

Wm. Robert Irvin  
*President and CEO, American Rivers*

Katherine McFate  
*President & CEO, Center for Effective Government*

Kathleen Rogers  
*President, Earth Day Network*

Caroline Farrell  
*Executive Director, Center on Race, Poverty & the Environment*

Mark Reynolds  
*Executive Director, Citizens Climate Lobby*
Cindy Zipf  
*Executive Director, Clean Ocean Action*

Karuna Jaggar  
*Executive Director, Breast Cancer Action*

Drew Hudson  
*Director, Environmental Action*

Lois Marie Gibbs  
*Executive Director, Center for Health, Environment & Justice*

Nat Mund  
*Legislative Director, Southern Environmental Law Center*

Steve Kretzmann  
*Executive Director, Oil Change International*

Kieran Suckling  
*Executive Director, Center for Biological Diversity*

Peter Bahouth  
*Executive Director, U.S. Climate Action Network*

Heather White  
*Executive Director, Environmental Working Group*

Dan Becker  
*Director, Safe Climate Campaign*

Melinda Hughes-Wert  
*President, Nature Abounds*

Dawn Haney  
*Director of Training & Development, Buddhist Peace Fellowship*

Paul Kaufman  
*Director of Advocacy, GreenFaith – Interfaith Partners for the Environment*

Patrick Sweeney  
*Director, Western Organization of Resource Councils*

Cindy Shogan  
*Executive Director, Alaska Wilderness League*

Carol Kwiatkowski, PhD  
*Executive Director, The Endocrine Disruption Exchange*

Tehri Parker  
*Executive Director, Rocky Mountain Wild*
Harriet Shugarman  
*Executive Director, Climate Mama*

Bruce Gordon  
*President, EcoFlight*

Mike Tidwell  
*Executive Director, Chesapeake Climate Action Network*

Joseph Otis Minott  
*Executive Director, Clean Air Council*

Tom Cormons  
*Executive Director, Appalachian Voices*

John Horning  
*Executive Director, WildEarth Guardians*

The Rev. Cn. Sally G. Bingham  
*President, Interfaith Power & Light*

Judith Holyoke Schoyer Rodd  
*Director, Friends of Blackwater*

Zeke Grader  
*Executive Director, Pacific Coast Federation of Fishermen’s Associations*

Matthew Logan  
*President, Potomac Riverkeeper*

Jeff Kelble  
*Shenandoah Riverkeeper*

Tracy Carluccio  
*Deputy Director, Delaware Riverkeeper Network*

Maya van Rossum  
*Delaware Riverkeeper*

Guy Alsentzer  
*Director, Lower Susquehanna Riverkeeper*

Carolyn Jones  
*Co-founder, LNG Opposition Team*

Tom Athanasiou  
*Executive Director, EcoEquity*
Maura Cowley
*Executive Director, Energy Action Coalition*

Shelley Silbert
*Executive Director, Great Old Broads for Wilderness*

Joseph B. Uehlein
*Board President, Labor Network for Sustainability*

David Braun
*President, United for Action*

Rabbi Arthur Waskow
*Director, The Shalom Center*

Adrienne Esposito
*Executive Director, Citizens Campaign for the Environment*

Barbara Arrindell
*Director, Damascus Citizens for Sustainability Damascus Township*

**Alaska**

Hal Shepherd
*Director, Center for Water Advocacy*

Vi Waghiyi
*Environmental Health & Justice Program Director, Alaska Community Action on Toxics*

**California**

Patricia McPherson
*President, Grassroots Coalition*  
*Los Angeles*

Michael J. Painter
*Coordinator, Californians for Western Wilderness*

Dan Jacobson
*Legislative Director, Environment California*

John Brooks
*President, Citizens For Responsible Oil & Gas*  
*Ventura County*

Jess Dervin-Ackerman
*Chair, 350 Bay Area*
Jeanne Blackwell  
*Director, SLO Clean Water Action*  
_San Luis Obispo_

Jeff Kuyper  
*Executive Director, Los Padres ForestWatch*  
_Santa Barbara_

Peg Mitchell  
*Public Policy Committee, SanDiego350.org*

Ray Bishop  
*Chair, Business and Professional Caucus - California Democratic Party*

Damien Luzzo  
*Chief Executive Officer, SaveWithSunlight*  
_Davis_

Stephen Murray  
*Director, Baldwin Hills Oil Watch*

Kiki La Porta  
*President, Sustainable Marin*

**Colorado**

Rein van West,  
*President, Western Colorado Congress*

Kaye Fissinger  
*President, Our Health, Our Future, Our Longmont*  
_Longmont_

Marcia Dasko  
*Board of Managers - President, North Fork Ranch Landowner's Association*  
_Weston_

Jim Ramey  
*Director, Citizens for a Healthy Community*  
_Hotchkiss_

Sarah Sauter  
*Executive Director, Western Slope Conservation Center*  
_Paonia_

RJ Harrington, Jr.  
*Executive Director, Clean Energy Action*

Keli Kringel and Barb Kowalik  
*Directors, Citizens for Huerfano County*
Jeanne Bassett
Program Director, Environment Colorado

Dan Randolph
Executive Director, San Juan Citizens Alliance
Durango

Roz McClellan
Director, Rocky Mountain Recreation Initiative
Nederland

Allison N. Melton
Public Lands Director, High Country Citizens’ Alliance

Bob Winkler
Founder, Frack Files of Weld

Will Roush
Interim Director, Wilderness Workshop
Carbondale

Laura Fronckiewicz
Founder, Our Broomfield
Broomfield

Leslie Robinson
Chair, Grand Valley Citizens Alliance

Elaine Schmidt
Chairperson, Women’s International League for Peace and Freedom
Greeley

Conny Jensen
Administrator, Plains Alliance for Clean Air and Water

Christine Canaly
Director, San Luis Valley Ecosystem Council

Connecticut

Chris Phelps
State Director, Environment Connecticut

Georgia

Jennette Gayer
Director, Environment Georgia
Illinois

Lora Chamberlain
Organizer, Frack Free Illinois

Traci Barkley
Water Resources Scientist, Prairie Rivers Network
Champaign

Liz Patula
Co-founder, Southern Illinoisans Against Fracturing Our Environment

David A. Kraft
Director, Nuclear Energy Information Service
Chicago

Beverley Walter
Organizer, Citizens to Protect Our Water
Chicago

Iowa

Douglas C. Harr
President and COO, Iowa Audubon

Dan Kohler
Regional Director, Environment Iowa

Kansas

Ann Suellentrop M.S.R.N.
Director, Physicians for Social Responsibility - Kansas City

Maine

Emily Figdor
Director, Environment Maine

Maryland

Eric Robison
President, Citizen Shale

Russell S. Donnelly
Chairman, SouthEast Communities Against Pollution
Baltimore

Tom Wolfe
Vice President, Savage River Watershed Association
Anne Ambler  
*President, Neighbors of the Northwest Branch of the Anacostia River*

David Masur  
*Regional Director, Environment Maryland*

**Massachusetts**

Johanna Neumann  
*Regional Director, Environment Massachusetts*

**Michigan**

Peggy Case  
*President, Michigan Citizens for Water Conservation*

Virginia Shannon  
*State Associate, Environment Michigan*

Sondra Loucks Wilson  
*Facilitator, Justice and Peace Task Force of Plymouth United Church of Christ*  
*Grand Rapids*

Jacque Rose  
*Co-founder, Friends of the Au Gres-Rifle Watershed*

George Bartnick  
*Chief Executive Officer, Move to Amend - Grand Rapids*  
*Grand Rapids*

Steve Losher  
*President, Michigan Land Air Water Defense*

**Minnesota**

Sam Chadwick  
*Advocate, Environment Minnesota*

**Mississippi**

Dr. Charlotte Keys  
*Founder, Jesus People Against Pollution*

**Missouri**

Stuart Keating  
*State Advocate, Environment Missouri*

Ann Suellentrop M.S.R.N.  
*Director, Physicians for Social Responsibility - Kansas City*
Montana
Walter Archer
Chair, Northern Plains Resource Council

Nebraska
Santana Tamarak
Board Chair, Western Nebraska Resources Council

New Jersey
Georgina Shanley
Founding Member, Citizens United for Renewable Energy
Ocean City

Amy Goldsmith
State Director, Clean Water Action New Jersey

Amanda J. Nesheiwat
Director, New Jersey Sustainable Collegiate Partners

Suzanne Golas
Director, WATERSPIRIT
Elberon

Lisa Riggiola
Executive Director, Citizens For A Clean Pompton Lakes
Pompton Lakes

Andrew Coleman
President, Bus for Progress

Kathy Maher
President, Coastal Monmouth Democratic Club
Monmouth County

Diane Wexler
Co-founder, Northjersey Pipeline Walkers

Doug O’Malley
Interim Director, Environment New Jersey

New Mexico
Sanders Moore
Director, Environment New Mexico
Cordia Sammeth  
*Member, Committee for Clean Water, Air and Earth*  
*Las Vegas*

**New York**

Buck Moorhead  
*Chair, NYH2O*

Joe Levine  
*Director, Citizens for Water*

Paul Gallay  
*President and Hudson Riverkeeper, Riverkeeper*

Patti Wood  
*Executive Director, Grassroots Environmental Education*  
*Port Washington*

Jill Wiener  
*Catskill Citizens for Safe Energy*

Ellen Z. Harrison  
*Director, Flesaed*

Barbara Warren  
*Executive Director, Citizens' Environmental Coalition*

Linda A. DeStefano  
*Founding Member, Alliance for a Green Economy*

Ramsay Adams  
*Executive Director, Catskill Mountainkeeper*

Andrea Reynosa  
*President, The Solution Project*  
*Narrowsburg*

Karen London,  
*Co-founder, Sullivan Area Citizens for Responsible Energy Development (SACRED)*  

Eric Whalen,  
*Field Organizer, Environment New York*

**North Carolina**

Susannah Tuttle, M. Div  
*Director, North Carolina Interfaith Power & Light*
Hope Taylor  
*Executive Director, Clean Water for North Carolina*

Elizabeth Ouzts  
*Director, Environment North Carolina*

David Streifford  
*Co-founder, Preserve Carolina*

Martha Girolami  
*Haw River Assembly*

**Ohio**

Kari Matsko  
*Director, People’s Oil & Gas Collaborative - Ohio*

Heather Cantino  
*Steering Committee Member, Athens County Fracking Action Network  
Athens County*

Vanessa Pesec  
*President, Network for Oil and Gas Accountability and Protection*

Joanne Gerson  
*Chair, Southwest Ohio No Frack Forum*

Mary Greer  
*Adjunct Associate, Ohio Organizing Collaborative*

Phil Cantino  
*President, Friends of Strouds Run State Park  
Athens*

Julian Boggs  
*Director, Environment Ohio*

Cheryl Johncox  
*Executive Director, Buckeye Forest Council*

Donna Goodman  
*President, Athens Conservancy*

Gwen Fischer and Jeanne Cebulla  
*Co-founders, Concerned Citizens Ohio*

Lea Harper  
*Director, FreshWater Accountability Project Ohio*
Carol Apacki  
*Co-chair, Licking County Concerned Citizens for Public Health and Environment*  

Mary Greer  
*Adjunct Associate, Stand Up Ohio*  

Elyse Hirsch  
*Co-founder, Stark-Summit Coalition*  

Nick Teti  
*Co-founder, Coshocton Citizens for Truth About Fracking*  

**Oregon**  

Sarah Higginbotham  
*Director, Environment Oregon*  

**Pennsylvania**  

Cherie Eichholz  
*Executive Director, Physicians for Social Responsibility - Philadelphia*  

Jenny Lisak  
*Co-director, Pennsylvania Alliance for Clean Water and Air*  

Julie Ann Edgar  
*Organizer, Lehigh Valley Gas Truth*  
*Bethlehem*  

Diane Sipe  
*President, Marcellus Outreach Butler*  
*Butler County*  

Karen Feridun  
*Founder, Berks Gas Truth*  
*Berks County*  

Beverly Braverman  
*Executive Director, Mountain Watershed Association*  

Krissys Kasserman  
*Youghiogheny Riverkeeper*  

Josh McNeil  
*Executive Director, Conservation Voters of Pennsylvania*  

James W. Abernathy  
*Interim President and CEO, PennFuture*
Loretta Weir  
*Founder and Director, Communities United for Rights and Environment*

Iris Marie Bloom  
*Executive Director, Protecting Our Waters*

Rebecca Roter  
*Chairperson, Breathe Easy Susquehanna County*

Erika Staaf  
*Clean Water Advocate, PennEnvironment*

Jay Sweeney  
*Chair, Green Party of Pennsylvania*

Briget Shields and Gloria Forouzan  
*Coordinating Committee, Marcellus Protest*

Jason Bell  
*Co-founder, Tour de Frack*

**Rhode Island**

Channing Jones  
*Program Associate, Environment Rhode Island*

**Tennessee**

Eric Lewis  
*Administrator, Coalition for a Frack-Free Tennessee*

Dorene Bolze  
*Executive Director, Harpeth River Watershed Association*

**Texas**

Jim Schermbeck  
*Director, Downwinders at Risk*  
*Dallas-Fort Worth*

Marc W. McCord  
*Director, FracDallas*  
*Dallas*

Alyssa Burgin  
*Executive Director, Texas Drought Project*

Luke Metzger  
*Director, Environment Texas*
Virginia

Sarah Bucci
Field Organizer, Environment Virginia

Washington

Katrina Rosen
Field Director, Environment Washington

West Virginia

Julie Archer
Project Manager, WV Surface Owners' Rights Organization

Vivian Stockman
Project Coordinator, Ohio Valley Environmental Coalition
Huntington

Sheryle A. Evasic
President, Blue Heron Environmental Network Inc.
Hedgesville

Gary Zuckett
Executive Director, WV Citizen Action Group

Cynthia D. Ellis
President, West Virginia Highlands Conservancy

Wayne Woods
President, Doddridge County Watershed Association

Wisconsin

Al Gedicks
Executive Secretary, Wisconsin Resources Protection Council
Tomahawk

Patricia Popple
President, Concerned Chippewa Citizen

Megan Severson
State Advocate, Wisconsin Environment

Craig Brooks
Secretary/Treasurer, Buffalo County Defenders
Buffalo County
Linda Mossman  
*Member, Save Our Town Whitehall*  
*Whitehall*

Mary Lee Hegnauer  
*Member, Preserve Trempealeau County*  
*Trempealeau County*

**Wyoming**

John Fenton  
*Chair, Powder River Basin Resource Council*

Duane Short  
*Wild Species Program Director, Biodiversity Conservation Alliance*  
*Laramie*

Trevor Stevenson  
*Executive Director, Jackson Hole Conservation Alliance*  
*Jackson Hole*

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¹ Physicians for Social Responsibility - Kansas City operates in both Kansas and Missouri and is listed under both states, but only counted once in the total group number.  
² See note above.