

Regular Session, 2009

HOUSE CONCURRENT RESOLUTION 38

BY REPRESENTATIVES HARRISON, BOBBY BADON, BILLIOT, HENRY BURNS,  
GISCLAIR, HENDERSON, AND ST. GERMAIN

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to preserve and maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing.

WHEREAS, the Safe Drinking Water Act (SDWA) was originally passed by congress in 1974 to protect public health by regulating the nation's public drinking water supply; and

WHEREAS, since the 1974 enactment of the Safe Drinking Water Act, the Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting "underground injection" within the definitions of the SDWA; and

WHEREAS, in 2004, the EPA published a final report summarizing a study that evaluated the potential threat to underground drinking water sources from hydraulic fracturing of coal bed methane production wells and the EPA concluded that "the injection of hydraulic fracturing fluids into coal bed methane wells poses minimal threat" to underground sources of drinking water and that "additional or further study is not warranted at this time . . ."; and

WHEREAS, in the Energy Policy Act of 2005, the United States Congress explicitly exempted hydraulic fracturing from the provisions of the Safe Drinking Water Act; and

WHEREAS, the Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing states which found that there were no known cases of groundwater contamination associated with hydraulic fracturing; and

WHEREAS, hydraulic fracturing is currently, and has been for decades, a common practice used in exploration and production by the oil and gas industry in all IOGCC member states without groundwater damage; and

WHEREAS, approximately thirty-five thousand wells are hydraulically fractured in the United States annually, and close to a million wells have been hydraulically fractured in the United States since the technique's inception, all with no known harm to groundwater; and

WHEREAS, the regulation of oil and gas exploration and production activities, including hydraulic fracturing, has traditionally been the responsibility of the states and the Safe Drinking Water Act was never intended to grant to the federal government authority to regulate oil and gas drilling and production operations, such as "hydraulic fracturing", which is regulated under the Underground Injection Control program; and

WHEREAS, the individual member states of the IOGCC have adopted comprehensive laws and regulations to provide safe operations and to protect the nation's drinking water sources, and have trained personnel to effectively regulate oil and gas exploration and production; and

WHEREAS, production of coal seam natural gas, natural gas from shale formations, and natural gas from tight conventional reservoirs is becoming increasingly important to our domestic natural gas supply and will be even more important in the future; and

WHEREAS, continued and expanded domestic production of natural gas will help ensure that the United States continues on the path to energy independence; and

WHEREAS, hydraulic fracturing plays a major role in the development of virtually all unconventional oil and gas resources and regulation of hydraulic fracturing as underground injection under the SDWA would impose significant administrative costs on the states and substantially increase the cost of drilling oil and gas wells with no resulting environmental benefits; and

WHEREAS, in addition to increasing the costs both to the producers of oil and gas resources and the states for regulation of hydraulic fracturing as underground injection under the SDWA, the costs to the consumer would also increase if hydraulic fracturing was limited or prohibited.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to preserve and maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE