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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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January 20, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

On December 8, 2011, EPA released the draft report on Region 8's two year investigation of groundwater near Pavillion, Wyoming. This draft report contains preliminary findings that have given rise to tremendous controversy as this is the first time a federal agency has inferred that hydraulic fracturing is the likely cause of groundwater contamination.

EPA has indicated that it is prepared to move forward with a peer review of the draft report, despite the many concerns raised regarding the inadequacy of the quantity and quality of data and the delay in developing additional information. We ask that the agency fully address the problems that have been identified by the State of Wyoming and others, including data gaps and the timing and process of all evaluations, reviews, and conclusions prior to initiating the peer review process. Because of the significance of this report, and the potential impacts on regulatory decision making, other EPA assessments, and a large sector of the economy, it is critical that adequate and appropriate samples and data are collected and carefully reviewed before any final reviews or actions are taken. Furthermore, it is imperative that any analysis be based on the complete and best available science.

As EPA proceeds, we ask that this investigation be considered a highly influential scientific assessment and that any related, generated report is subject to the most rigorous, independent, and thorough external peer review process.

OMB's "Final Information Quality Bulletin for Peer Review" states that a scientific assessment is considered "highly influential" if the agency or the OIRA Administrator determines that the dissemination could have a potential impact of more than \$500 million in any one year on either the public or private sector or that the dissemination is novel, controversial, or precedent-setting, or has significant interagency interest.¹ The information generated in this investigation satisfies all these requirements.

¹ <http://www.whitehouse.gov/sites/default/files/omb/assets/omb/memoranda/fy2005/m05-03.pdf>