

All, a MUST READ: "GASLAND'S DEBUNKER DEBUNKED" !!

Thank you, Steve Coffman!

-Melanie

----- Forwarded Message -----

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Subject: GasLand Debunker Debunked

GASLAND'S DEBUNKER DEBUNKED by Steve Coffman

Recently I saw Josh Fox's new film GasLand in Elmira, NY. A few days later, by email, I received a long, detailed, unsigned critique of the film, entitled "Debunking GasLand."

Concerned at who might take this "review" at face value, I hereby assess the anonymous debunker.

[Note: For reasons of space, relevance and interest, I have condensed Debunker's original review, but have included it in its entirety as a PDF addendum.]

Debunker's Introduction: "I'm sorry,' Josh Fox once told a New York City magazine, 'but art is more important than politics. ... Politics is people lying to you and simplifying everything; art is about contradictions.' And so it is with GasLand: politics at its worst, art at its most contrived, and contradictions of fact found around every bend of the river. Against that backdrop, we attempt below to identify and correct some of the most egregious inaccuracies upon which the film is based."

Response: Art is a means of framing human experience in a way that reveals sensual truths about our aspirations, frailties, wit, hubris and especially our relationship to nature. GasLand embodies all of these qualities. What Debunker sees as "most contrived" I took as a most appropriate metaphor by Josh Fox to portray the dizzying efforts of real folks trying to preserve sanity, health and beauty when confronted by the machinery of thoughtless corporate greed.

But then, of course art is in the eye of the beholder.

“Politics at its worst?” claims Debunker. Yet I saw no politics in GasLand at all. Explaining that Dick Cheney, former CEO of fracking giant Halliburton was pushing pro-fracking interests is more historical than political. And, as Debunker points out, there was plenty of bipartisan support for the recommendations of Cheney’s pro-fracking Energy Task Force. The most persistent “political” issue in GasLand is that of political deaf ears to the suffering and disenfranchisement of citizens in favor of increased drilling and corporate profits. Well, maybe that is “politics at its worst”---but on the behalf of corrupted government, not on behalf of Josh Fox.

That leaves Debunker with his contention that GasLand “contradicts facts around every bend of the river” and “is based on egregious inaccuracies.”

Clearly Debunker is more within his realm when it comes to the ferreting out of a few of the film’s factual inconsistencies, though in most cases those “facts” are either in dispute or of only minor relevance to the issues that are truly at the film’s base---namely, the assault of hydrofracking on the natural environment, and on citizens’ lives, liberties and pursuits of happiness.

But that is not to disregard the obligation to truth that every good documentary must serve, and which certainly requires a serious look.

Debunker begins his factual review with a section called Misstating the Law, to which he assigns almost 900 words (25% of his piece), entirely out of proportion to GasLand’s emphasis. While such legal aspects deserve discussion, such lopsidedness also distorts to the shape and intent of the film.

But let’s take a look.

Debunker: “The process of hydraulic fracturing, to which Fox appears to be making reference here, has never in its 60-year history been regulated under the Safe Drinking Water Act (SDWA). It has, however, been regulated ably and aggressively by the states, which have compiled an impressive record of enforcement and oversight in the many decades in which they have been engaged in the practice.

“Far from being ‘pushed through Congress by Dick Cheney,’ the Energy Policy Act of 2005 earned the support of nearly three-quarters of the U.S. Senate.”

Response: The essence of what GasLand asserts is that the effect of the 2005 Energy Bill was to remove EPA oversight from hydrofracking. At the point that EPA’s had completed Phase I of a two-part study and had yet to investigate health effects of hydrofracking and other serious negative effects of the process. Halting the study at this crucial point was decried both within the agency and from the outside. [SEE LA Times exposé “Halliburton’s Interests Assisted by White House,” October 14, 2004; and the April 2005 Oil and Gas Accountability Project (OGAP) report claiming the 2004 EPA Study to be a high-pressure whitewash].

That the Bush/Cheney administration actively pushed for the hydrofracking exceptions in this bill are hardly disputable.

In 1999, when an Alabama U.S. Appellate Court ordered hydrofracking to be regulated under the federal Safe Drinking Water Act, Cheney’s Halliburton (a prime developer and leading practitioner of hydraulic fracturing) began lobbying Washington to exempt fracturing from regulation under the Safe Drinking Water Act.

In 2001, In his second week in office, George W. Bush created the Energy task force, officially known as the National Energy Policy Development Group with Vice President Dick Cheney as chairman. In its mission, NEPDG aimed to: “develop a national energy policy designed to help the private sector. . . .”

Only when pressed by EPA chief Christie Whitman did Cheney remove a recommendation to exempt fracturing from the task force’s final report.

Whereupon, the Bush/Cheney Energy Bill of 2003 included a provision to exempt fracturing from EPA drinking water regulation---but Congress removed the provision from the final draft.

Whereupon, in the Energy Policy act of 2005, Congressional oil sycophants James Inhof of Oklahoma and Joe Barton of Texas inserted language to “Amend the Safe Drinking Water Act of 1996 to exempt hydraulic fracturing related to oil and gas production . . . and, thus, exclude this practice from . . . regulations related to the protection of underground sources of drinking water.”

If---as Debunker claims---the EPA drinking water regulation never included hydrofracking, isn't it peculiar that Cheney and his Texoma compatriots continued to push so hard until they got exemption from precisely that regulation?

In other words, Josh Fox got it 99 and 44/100 percent right. And the fact that Debunker expends such effort against GasLand to claim that 2005 Energy Act didn't change a thing reveals much about his intent. In the words of Hamlet's mother, Queen Gertrude: "The lady doth protest too much."

In any case, Debunker further demonstrates his industry bias when he assures us that "hydraulic fracturing has been regulated ably and aggressively by the states."

Industry always loves to say that, even as the weakness and inconsistency of state regulations helps the companies to play the states off against each other.

Worse yet, many of the states use the same agency to both regulate and promote gas drilling. In New York, for instance, the Department of Environmental Conservation is tasked to "protect" the environment and also to exploit it for mineral-extracting profits. Only the profit raking corporations could view that as "able and aggressive" regulation!

Debunker: In his section Misrepresenting the Rules, Debunker attacks Josh Fox's statement: "Because of the exemptions, fracking chemicals are considered proprietary. ... The only reason we know anything about the fracking chemicals is because of the work of Theo Colborn. ... by chasing down trucks, combing through material safety data sheets, and collecting samples."

Response: Debunker rightly tells us that lists of hundreds of added chemicals have recently been divulged in PA and NY. But fails to add that the specific chemical formula of each individual well's fracking is still being held by companies as proprietary trade secrets.

Which seems disingenuously anyway, given that Halliburton, BJ Services and Schumberger are as much fracking colleagues as fracking competitors---all Texas/Oklahoma corporations who work together to manufacture, store, mix and use virtually the same hydrofracking chemicals. Making it seem more likely that their need for secrecy is less to "protect their competitiveness" than to cover their assets from potential liability suits.

Debunker: In his section Mischaracterizing the Process, Debunker catches Josh Fox in the garbled misstatement: “In order to frack, you need some fracking fluid – a mix of over 596 chemicals.”

Response: True enough, Debunker points out that any single fracturing job would only use a few of the available additives---not 596!

But then Debunker ruins his tiny get by invoking the nauseating old industry bromide that these chemicals “are typically components found and used around the house. The most prominent of these, a substance known as guar gum, is an emulsifier more commonly found in ice cream.”

Yum.

Never mind that typical fracking chemicals like BE-6, ALDECIDE G, FDP-S798, and BORATE CROSSLINKER J532 are carcinogenic, mutagenic, causes of chemical pneumonia, and highly toxic to aquatic organisms.

These you would find in ice cream of the Jim Jones frozen Kool-Aid variety. And a great majority of the 596 are similarly delectable!

Debunker: (attacking Josh Fox’s comment that each well completion requires 1,150 truck trips): “Suggesting that every well completion in America requires the exact same number of truck trips is absurd.”

Well, yes. However, as an average, Josh Fox’s figure is well within the ball park of experience and expectations. This from NY DEC’s dSGEIS (6.13.1):

Truck Traffic for a Single Pad of Eight Wells

Drill Pad and Road Construction Equipment	10 – 45 Truckloads
Drilling Rig	60 Truckloads
Drilling Fluid and Materials	200 – 400 Truckloads
Drilling Equipment (casing, drill pipe, etc.)	200 – 400 Truckloads
Completion Rig	30 Truckloads
Completion Fluid and Materials	80 – 160 Truckloads
Completion Equipment – (pipe, wellhead)	10 Truckloads

Hydraulic Fracture Equipment (pump trucks, tanks)	300 – 400 Truckloads
Hydraulic Fracture Water	3,200 – 4,800 Tanker Trucks
Hydraulic Fracture Sand	160 – 200 Trucks
Flow Back Water Removal	1,600 – 2,400 Tanker Trucks

That's as many as 8900 truckloads for one pad. Or an average of 1,112 truckloads per well (and, at some point, one would presume that those trucks are going to have to go back, too.)

Concerning Waste Pits, Debunker blasts Josh Fox for saying: "Before the water can be hauled away and disposed of somewhere, it has to be emptied into a pit – an earthen pit, or a clay pit, sometimes a lined pit, but a pit – where a lot of it can seep right back down into the ground."

Debunker: "27 states have explicit laws on the books governing the temporary storing of flowback waters. . . . A number of producers today choose to store this water in steel tanks."

Response: When Debunker says "a number of producers choose steel tanks" the obvious implication is that there is also "a number" who don't.

When he says that number of them choose them today, he suggests that previously they did not.

And the leaky pits portrayed in the movie, what is their number? On which day did they stop leaking?

And then there's the word choose. How is it that "those explicit state laws" allow the producers to choose how to store their toxic waste in the first place---or is that just another example of "able and aggressive" state regulating?

In 23 states, the pits have to be "lined," Debunker explains. As though plastic liners don't leak. Or overflow---like one did in Caddo Parish, Louisiana [SEE: "19 head of cattle die near north La. gas well" - April 29, 2009, and, "We may now know what killed cows in Caddo Parish" - May 14, 2009].

Debunker really gets his tail and pinfeathers up, in his section Flat-out Making Stuff Up, especially over Josh Fox's claim that the pronghorn antelope, mule deer and sage grouse of Wyoming are endangered species threatened by massive gas-drilling.

"0 for 1 -- Three species of the pronghorn antelope are considered 'endangered,' none of which are found anywhere near the Pinedale Anticline [gas fields]."

"0 for 2 -- Only one species of mule deer is considered 'endangered.' . . . Mule deer populations are so significant in Wyoming today that the state has a mule deer hunting season."

"0 for 3 -- The sage grouse does not currently have a place on the endangered species list."

Response: Debunker seems to have done his homework on this one and must be awarded 3 points for his great love and concern for wildlife!

I must also admit here that I have not sufficiently done my own homework on this (and perhaps neither did Josh Fox), but there is no doubt the we also both share Debunker's great love and concern for the natural world.

The reason that I did not bone up on my antelope, sage grouse and mule deer expertise is that, as important as factual accuracy is, GasLand's overarching point here---that massive hydrofracking greatly disrupts natural habitats---is not disputed by Debunker at all.

In fact, Debunker's concludes: "[P]roducers in the area have taken the lead on efforts to lessen their impact and reduce the number of truck trips required to service their well sites. As part of that project, operators have commissioned a series of independent studies examining additional steps that can be taken to safeguard the Anticline's wildlife."

Yet, why would gas producers voluntarily change their truck routes and commission a series studies on safeguarding wildlife if they did not already fear repercussions from suspected damage?

One cannot help but also wonder how "independent" these "commissioned studies" that the producers are funding will actually be.

Debunker: “Josh Fox says: ‘And now they’re coming east. They’re proposing 50,000 gas wells along a 75-mile stretch of the Delaware River and hundreds of thousands more across New York, Pennsylvania, Ohio and West Virginia.’

“Not even the most optimistic scenario for future development in the Marcellus Shale in general, or along the Delaware River in particular, comes anywhere close to 50,000 natural gas wells. A recent study by Penn State Univ. projects that by the year 2020, producers will have developed 3,587 shale gas wells.”

Response: Another recent study by Penn State Univ. projects the Marcellus Shale to be more than ten times as big as the Texas Barnett Shale, which already has over 10,000 active wells. Cornell engineering professor (and hydraulic fracturing expert) Tony Ingraffea predicts 80,000 wells in New York and 100,000 in Pennsylvania. Carl Arnold, in a press conference speech to promote a moratorium on hydrofracking (June 11, 2010, 12) quoted The Hudson Valley Business Journal as estimating that 200,000 wells will be drilled in New York.

Perhaps these are only the “most optimistic [pessimistic?] scenarios,” but they certainly more than “come anywhere close” to Josh Fox’s fears.

Debunker: ”Josh Fox says: ‘One thing was resoundingly clear: If the industry’s projections were correct, then this would be the end of the Catskills and the Delaware River Basin as we knew it. And it would mean a massive upheaval and redefinition of all of New York State and Pennsylvania.’

”According to the Energy Information Administration, Pennsylvania is already home to 55,631 active natural wells; New York, according to DEC, is home to roughly 14,000. Again, even assuming the most active development scenario, Marcellus wells are expected to account for less than 10 percent of all wells in these two states over the next 10 to 20 years – not exactly the type of dramatic ‘upheaval’ and ‘redefinition’ that Fox suggests in his film.”

Response: Comparing conventional gas-drilling to the “non-conventional” high volume, horizontal hydraulic fracturing employed in the Marcellus Shale is a standard industry ploy. The two processes are about as alike as a gecko and a T. Rex (both lizards, yet significantly different at your front door).

In fact, the “upheaval” and “redefinition” that Fox suggests in his film is not the point. The power of GasLand is what it shows, and what the people who are compelled to live near these wells attest to---upheaval, redefinition and personal tragedy!

Debunker: ”Josh Fox says: ‘In 2004, the EPA was investigating a water contamination incident due to hydraulic fracturing in Alabama. But a panel rejected the inquiry, stating that although hazard materials were being injected underground, EPA did not need to investigate.’

”No record of the investigation described by Fox exists, so EID reached out to Dr. Dave Bolin, deputy director of Alabama’s State Oil & Gas Board and the man who heads up oversight of hydraulic fracturing in that state. In an email, he said he had ‘No recollection’ of such an investigation taking place.

Response: Josh Fox indeed misstates or compresses events here. However, in 1999, an Alabama U.S. Appellate Court did indeed order that fracturing should be regulated under the federal Safe Drinking Water Act---a court decision that presumably was not pulled out of thin air.

Also, in 2004, under pressure from the Bush/Cheney oilocratic administration, EPA stopped studying hydrofracking after only completing Phase I (a study begun in 1999 coincident to the Alabama decision).

And, in 2005, the Bush/Cheney Energy Bill, finished the job.

Debunker: “Fox includes images of dead fish along a 35-mile stretch of Dunkard Creek in Washington Co., Pa.; attributes that event to natural gas development. . . . Fox’s attempt to blame the Dunkard Creek incident on natural gas exploration is contradicted by an EPA report – issued well before GasLand was released – which blamed the fish kill on an algal bloom, which itself was fed by discharges from coal mines.

“EPA report: ‘Given what has been seen in other states and the etiology of this kill, we believe the toxin from this algae bloom led to the kill of fish, mussels, and salamanders on Dunkard Creek. . . . The situation in Dunkard Creek should be considered a chronic exposure since chloride levels were elevated above the criteria for long periods of time.’ (issued 11/23/09)”

Response: The following article was written by environmental reporter Don Hohey of Pittsburgh Post-Gazette (Sunday, September 20, 2009):

Sudden Death Of Ecosystem Ravages Long Creek 'Everything is being killed': 161 aquatic species have died along Dunkard Creek

“An early and continuing focus of the investigation has been discharges from a mine water treatment facility located at Consol Energy's Blacksville No. 2 mine in West Virginia.

“But state and federal investigators are confounded because chemical analysis shows the creek water at the treatment facility site contains extremely high total dissolved solids, or TDS, and chlorides -- properties found in wastewater from Marcellus Shale gas well drilling operations but not mine water. Total dissolved solids may include metals, salts and other elements.

“Marcellus Shale well drilling water contains about 100 chemicals added to reduce friction, eliminate algae growth and perform other functions when water is pumped underground under pressure to fracture the shale and release natural gas.

“Up to 4 million gallons are used for each Marcellus Shale well. Disposal of wastewater from the wells has caused problems throughout Pennsylvania, including TDS readings that exceeded federal safe drinking water standards in the Monongahela River last winter and this year.

“On Thursday, investigators found dead fish for the first time about a mile and a half up the creek above the treatment plant discharge.

“Our hypothesis was that it's coming out of the Blacksville No. 2 mine, but the finding of dead fish upstream from the Blacksville discharge indicates the sole cause cannot be Blacksville,” said West Virginia DEP spokeswoman Kathy Cosco.”

Debunker also explains how the Colorado Oil & Gas Conservation Commission found no connection between methane drilling and people who suddenly had flammable faucet water after nearby drilling.

Response: It's ironic how these same corporations, who so arduously oppose government regulation, conveniently put such stock in regulatory commissions over the testimony of individual citizens. As if you wouldn't notice any difference or reasonably become suspicious if your water suddenly became flammable or poisoned by the same substances used or unearthed by nearby gas drilling. Or know if your family had suddenly become sickly. Or if your house inexplicably exploded.

I'm sure that you (or Debunker) would be satisfied with COGCC conclusion that you were either a hypochondriac or a chiseling liar.

Josh Fox's witnesses do indeed have a different opinion as to who the chiseling liars really are.

Debunker: In a big finish, Debunker cannot resist taking a couple of swings at a couple of old hydrofracking critics, Calvin Tillman and Abrahm Lustgarten, no doubt seeing as this as a couple of concluding twofers---getting Josh Fox and settling old scores at the same time.

Abrahm Lustgarten is a reporter for ProPublica, a Pulitzer-prize-winning independent, nonprofit newsroom that produces investigative journalism in the public interest. Since 2008, Lustgarten has done a number of investigative exposés critical of the gas industry and hydrofracking.

You can almost hear Debunker cackle when he writes: "Context from our friends at ProPublica: 'Drinking water with methane, the largest component of natural gas, isn't necessarily harmful. The gas itself isn't toxic -- the Environmental Protection Agency doesn't even regulate it -- and it escapes from water quickly, like bubbles in a soda.' (Abrahm Lustgarten, ProPublica, 4/22/09)"

Response: But Debunker might not have been so snarky had he quoted the entire passage the above quote was deviously plucked from:

"Industry representatives say methane contamination incidents are statistically insignificant, considering that 452,000 wells produced gas in the United States last year. They also point out that methane doesn't necessarily come from gas wells -- it's common in nature and can leak into water from biological processes near the surface, like rotting plants.

“The industry also defends its construction technology, saying it keeps gas and drilling fluids -- including any chemicals used for hydraulic fracturing -- safely trapped in layers of steel and concrete. Even if some escapes, they say, thousands of feet of rock make it almost impossible for it to migrate into drinking water aquifers. When an accident happens, the blame can usually be traced to a lone bad apple -- some contractor who didn't follow regulations, they say. Those arguments helped the gas drilling industry win rare exemptions from the Safe Drinking Water Act and the Clean Water Act when Congress enacted the 2005 Energy Policy Act.

“But now an exhaustive examination of the methane problem in western Colorado is offering a strong scientific repudiation of that argument. Released in December by Garfield County, one of the most intensely drilled areas in the nation, the report concludes that gas drilling has degraded water in dozens of water wells.

“The three-year study used sophisticated scientific techniques to match methane from water to the same rock layer where gas companies are drilling -- a mile and a half underground. The scientists didn't determine which gas wells caused the problem or say exactly how the gas reached the water, but they indicated with more clarity than ever before that a system of interconnected natural fractures and faults could stretch from deep underground gas layers to the surface. They called for more research into how the industry's practice of forcefully fracturing those deep layers might increase the risk of contaminants making their way up into an aquifer.

”It challenges the view that natural gas, and the suite of hydrocarbons that exist around it, is isolated from water supplies by its extreme depth,” said Judith Jordan, the oil and gas liaison for Garfield County, who has worked as a hydrogeologist with DuPont and as a lawyer with Pennsylvania's Department of Environmental Protection.

”It is highly unlikely that methane would have migrated through natural faults and fractures and coincidentally arrived in domestic wells at the same time oil and gas development started, after having been down there ... for over 65 million years.’

“The Garfield County analysis comes as Congress considers legislation that would toughen environmental oversight of drilling and reverse the exemptions enjoyed by the gas companies. Colorado has already overhauled its own oil and gas regulations, despite stiff resistance from the energy industry. The new rules, which went into effect earlier this month, strengthen protections against, among other things, methane contamination.

“Drinking water with methane isn't necessarily harmful. The gas itself isn't toxic -- the Environmental Protection Agency doesn't even regulate it -- and it escapes from water quickly, like bubbles in a soda.

“But the gas becomes dangerous when it evaporates out of the water and into people's homes, where it can become flammable. It can also suffocate those who breathe it. According to the Agency for Toxic Substances and Disease Registry, a part of the U.S. Department of Health and Human Services, as the concentration of gas increases it can cause headaches, then nausea, brain damage and eventually death.” (Abraham Lustgarten, ProPublica, 4/22/09)

Ah, Debunker---how devious and dishonest was that!

Debunker saves his last shot for Calvin Tillman, mayor of the beleaguered town of DISH, Texas, a tiny town beset with gas compressors and madly tangling pipelines. When Mayor Tillman's pleas for help fell on deaf ears of the “able and aggressive” regulators, he raised private funding to prove the degradation of air quality in DISH.

Debunker: “Calvin Tillman: Fox interviews mayor of DISH, Texas; blames natural gas development, transport for toxins in the air, benzene in blood.

“Tillman in the press: ‘Six months ago, nobody knew that facilities like this would be spewing benzene. Someone could come in here and look at us and say, 'You know what? They've sacrificed you. You've been sacrificed for the good of the shale.' (Scientific American, 3/30/10)

“A little more than a month later, Texas Dept. of State Health Services debunks that claim: ‘Biological test results from a Texas Department of State Health Services investigation in Dish, Texas, indicate that residents' exposure to certain contaminants was not greater than that of the general U.S. population.’ (DSHS report, May 12, 2010)

“More from the agency: ‘DSHS paid particular attention to benzene because of its association with natural gas wells. The only residents who had higher levels of benzene in their blood were smokers. Because cigarette smoke contains benzene, finding it in smokers' blood is not unusual.’”

Response: In contradiction to Debunker, independent Wolf Eagle Environmental came a different conclusion. Wilma Subra, a MacArthur (Genius) Award winning chemist,

sampled the ambient air in the Town of DISH, Texas at seven locations on August 17 to 18, 2009. The air sampled was analyzed for Volatile Organic Chemicals, Hazardous Air Pollutants, Tentatively Identified Compounds and NOX.

In the report's conclusion, Wolf Eagle states: "Air analysis in the Town of DISH confirmed the presence in high concentrations of carcinogenic and neurotoxin compounds in ambient air near and/or on residential properties.' The report further indicated that many of the compounds in the air exceeded the Short-term and Long-term Effects Screening Levels (ESLs) according to Texas Commission on Environmental Quality (TCEQ) regulations.

"Benzene, a known human cancer causing agent, was detected at all 7 sample locations. Three sample locations exceeded TCEQ ESLs and four stations had concentrations of Benzene below TCEQ ESLs."

So, who are you going to believe? The townspeople of DISH, its mayor, and a MacArthur Grant-winning chemist? Or the energy company-favored Texas regulatory commissions and our unbiased Debunker?

I strongly suggest you go see the film GasLand for yourself (preferably with a bunch of your friends) and see who you believe for yourselves.

One last note. I have no idea who Debunker actually is, because he either lacks the courage or the respect for his/her readers to sign his debunking. My guess is that Debunker is an industry-paid public relations firm, a klatch of writers with their own staff of hack researchers. But I don't know.

What I do know is that Debunker snidely dismisses Josh Fox as "a purveyor of the avant-garde," a filmmaker and stage director whose previous work has been recognized by the 'Fringe Festival' of New York City," as though being an artist and having anything to do with New York City should somehow disqualify him from intelligently caring about nature, the environment, and human feelings about health, homes and family.

Because such "fringe" values were at the heart of GasLand's poignant depiction of the dangers and degradation of hydrofracking, I can only say: Bravo, Josh Fox!

---Steve Coffman, Dundee NY