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Shale Gas Activism

Shale gas is emerging as a major public policy issue for environmental and grassroots organizations. The most potent activism has begun to develop in opposition to hydraulic fracturing, particularly in opposition to the use of fracturing fluids whose contents remain trade secrets. The national environmental movement is split on issues relating to fracturing, while most local grassroots organizations near fracturing operations are staunchly opposed. The issue is playing out quickly in the Marcellus shale as New York public officials and local activists have joined forces to oppose fracturing in large swaths of the state. The future of the environmental regulation of fracturing will depend on the outcome on a number of larger debates including those relating to fresh water, right to know, land use and energy and climate change. It is also likely to soon become an important element of the No Dirty Energy campaign.

Overview

Shale gas extraction and hydraulic fracturing are important public policy issues for many organizations working at national, state and local levels. At the same time, hydraulic fracturing poses thorny problems for some environmental advocates who otherwise view natural gas as part of a larger strategy to move toward a lower-carbon economy.

Several national-level environmental organizations have accepted natural gas as a "bridge fuel" that would ease the transition of some power plants away from coal and serve as a potential supplement to solar and wind installations to provide consistent power regardless of weather conditions. Realists among these groups also argue that industry, lawmakers and the public would not accept natural gas without a greater guarantee of consistent supplies and resulting stable prices, and the prospect of increasing extraction from non-conventional sources seems to be a prerequisite for answering those concerns. This means that some environmental groups feel pressed to find a way to accept (albeit tacitly) hydraulic fracturing and new shale gas projects generally.

Sierra Club in particular is in a difficult situation as a result of its positions, relationships and group structure. Sierra Club headquarters has accepted natural gas as a bridge fuel and has formed partnerships with the pro-natural gas American Clean Skies Foundation (founded by Chesapeake Energy Corp. CEO Aubrey McClendon), and has been working with Chesapeake Energy Corp. directly; if it adopts a hard line against fracking, Sierra endangers these relationships. However, many Sierra members and local chapters oppose hydraulic fracturing, and Sierra's democratic structure means that the organization's national leadership cannot afford to take a position that alienates those who directly elect the national board of

directors. The national organization has not yet adopted a formal position on shale gas and fracking, and internal dissent may delay it for some time. Meanwhile, although the national organization maintains its relationships with the natural gas industry, local chapters have built campaigns and staked out positions firmly against the progress of regional shale gas projects. Examples include the Sierra Club Allegheny Group, Pennsylvania Chapter, West Virginia Chapter and Atlantic Chapter on the Marcellus Shale; Sierra Finger Lakes Group on the Marcellus and Utica Shales; and Arkansas Sierra Club on the Fayetteville Shale.

Shale gas and fracking bring a number of national-level opponents, many of which are concerned that claims about natural gas being "clean-burning" are blotting out the potential problems associated with its extraction. A common narrative activists are describing is that the Bush Administration's and Congress' 2005 exemption of hydraulic fracturing from the Safe Drinking Water Act -- which some activists call the "Halliburton loophole" -- caused a boom in natural gas projects that needs to be slowed down to allow a full analysis of potential health and environmental effects. National groups involved in the fracking issue and share this view include Natural Resources Defense Council (NRDC), Earthworks, Earthjustice and Trout Unlimited. NRDC offers support for national-level efforts such as Rep. Diana DeGette's (D-Colo.) Fracturing Responsibility and Awareness of Chemicals (FRAC) Act of 2009 (H.R. 2766). It also supplies media-friendly commentary and commissions reports to support its position (such as a report from August 2009 it commissioned from ECONorthwest that alleged industry reports overstated the costs of policy measures such as the FRAC Act). NRDC's top goal is achieving a national-level carbon cap-and-trade system, and its work on the shale gas issue does not supersede its strategic view of natural gas expansion as an important point of negotiation to achieve a cap-and-trade system.

Trout Unlimited has grassroots and chapter support that it calls upon to take action. For example, Trout Unlimited recently asked New York affiliates to write to New York Governor David Paterson to demand an extended comment period on the draft Supplemental Generic Environmental Impact Statement (dSGEIS) for gas drilling and to demand adequate environmental protections. Earthjustice launched a similar letter-writing campaign to Gov. Paterson, although its principal work on shale gas consists in lawsuits it files on behalf of other groups. For example, for Clean Water Action Earthjustice is challenging a new modified wastewater treatment plant on Pennsylvania's Monongahela River that would treat gas wastes.

Earthworks' involvement is particularly important as it is running a long-term campaign called No Dirty Energy, which is designed to establish a code of conduct on environmental issues for the oil and gas industry. Earthworks' OGAP is an important grassroots arm of this work; OGAP is a national clearinghouse for information on "dirty energy" generally, collecting information and personal stories related to the effects of oil and gas operations on the environment and communities. At the same time, it provides expertise and other assistance to independent grassroots groups that oppose specific oil and gas operations, placing them in touch with other groups that may have useful experience as well as with higher-level (i.e., state, regional and national) groups that can both support and coordinate activity. It also aids grassroots campaigns by writing reports for them that carry the relatively greater heft of a national environmental organization's name. Examples include its June 2008 report on the Marcellus Shale for OGAP affiliates Catskill Mountainkeeper and Damascus Citizens for Sustainability; and air quality reports for Texas OGAP groups involved in Barnett Shale activity. OGAP appears to be a conduit for information about past and existing shale gas projects to more recent entrants to these

campaigns in the Marcellus Shale. OGAP has also served as occasional central point of communications on the part of national-level organizations on fracking issues; for example, in September 2009, it organized a sign-on letter to Congress in support of the FRAC Act that garnered the signatures of 160 organizations of all sizes (including NRDC, Earthjustice, Trout Unlimited, American Rivers, Environmental Working Group, Food & Water Watch, National Wildlife Federation, the Wilderness Society and Western Organization of Resource Councils).

Marcellus Shale: A Case Study

One of the fastest-moving and most visible hydraulic fracturing-focused campaigns is unfolding in the Marcellus Shale. This regional campaign has several components. Most notable is its New York City component, which demonstrates the scope of activities that could be brought to bear against fracking. This campaign is designed to rouse opposition in New York City to shale gas development in the city's watershed in the Hudson River Valley and Catskill Mountains to protect the city's drinking water from potential contamination by fracking chemicals; it is led by a group called NYH2O. In a short amount of time, the campaign has gained the attention of city, state and federal lawmakers and has attracted them to its rallies, and some of the above national organizations, such as NRDC and Earthjustice, have also participated in its activities. NYH2O was established in February to mobilize residents of New York City to oppose gas drilling in the Catskill/Delaware Watershed to protect the city's drinking water. Instrumental in its founding were New York-based architect Joe Levine; Theo Colborn, environmental health activist, OGAP ally and president of Endocrine Disruption Exchange; and Albert Appleton, water resource consultant and former New York City Commissioner of Environmental Protection. Levine is also a founder of the Pennsylvania-based Damascus Citizens for Sustainability, whose list of supporters overlaps with that of NYH2O. NYH2O appears to be sparsely staffed by part-time employees and volunteers. However, this belies the group's accomplishments.

New York City has proven to be a fertile source of potent downstream opposition to Marcellus Shale development. NYH2O helped to form the Kill the Drill Coalition, which was launched October 1 at a press conference that included Manhattan Borough President Scott Stringer; the coalition counts as members NRDC, Just Food, New York Restoration Project (NYRP), Riverkeeper (founded by Robert Kennedy, Jr.), CIVITAS, Asian Americans for Equality and several local and community organizations. In the fall, the coalition ran a public service advertisement warning that fracking threatens the upstate watershed, which supplies 90 percent of New York City's drinking water; it directed viewers to website of a documentary on fracking ("Gasland," then known as "Rage of Nature").

The ads built toward a hearing of the New York City Council Committee on Environmental Protection in late October at which opponents of fracking spoke; these included the following:

- Scott Stringer
- Joseph Levine
- Deborah Goldberg (Managing Attorney for Earthjustice)
- Dusty Horwitt (analyst for Environmental Working Group)
- Annie Wilson (Energy Committee Chair, Sierra Club Atlantic Chapter).

NYH2O and others organized a Kill the Drill rally Nov. 10 before a hearing of the State Department of Environmental Conservation on the dSGEIS in New York City.

The "Kill the Drill" rally featured speeches by Stringer and city council members, Rep. Jerry Nadler (D-N.Y.); representatives of national environmental organizations such as NRDC (headquartered in New York), Earthjustice, Riverkeeper; "Gasland" filmmaker Josh Fox; and a representative of the New York Public Employee Retirement Systems. Several speakers urged listeners to visit the website of the yet-to-be-released documentary "Gasland" and all urged the state to bar or severely curtail fracking in the New York City watershed in the name of public health.

Although the documentary "Gasland" has not yet been released, it has already been used by fracking opponents to build attention to their Marcellus Shale efforts. Pre-release clips of the film have been screened in locations around New York to draw attention to the dSGEIS and hydraulic fracturing. Groups such as NRDC and NYH2O have sponsored the viewings and appeared at accompanying Q&A sessions, and have called the film's images an indication of what New Yorkers would deal with if shale gas operations increased in the Marcellus Shale. Filmmaker Josh Fox recently announced that the documentary, which previously went by the working title "Rage of Nature," will premiere as "Gasland" at the Sundance Film Festival in January 2010, which could bring wider attention to the fracking issue. The documentary focuses on Fox's discovery that shale gas operations are coming to an area near his hometown (Milanville, Penn.) and his subsequent trip across nearly 30 states to document the environmental and health effects of fracking. The film combines moving personal stories with powerful images (such as flammable water coming from a kitchen tap), and could be a potentially powerful tool for bringing attention to fracking issues.

Complementing the work of New York City activists are several other organizations that are active in building grassroots opposition to fracking in upstate communities. Most notable among them is the persistent watchdog organization Citizens Campaign for the Environment (CCE). Although CCE is relatively small and does not have a large budget, it has dedicated staff members and tends to attract energetic volunteers. CCE is adept at prompting and appearing in articles in local newspapers throughout southern suburban communities and upstate towns, and it has been able to successfully channel "not-in-my-backyard" sentiment into previous campaigns. It has given every indication that it intends to do the same with regard to fracking in the Marcellus Shale. It has already cosponsored information sessions with the Onondaga Nation and other groups and claims to have directed thousands of supporters to contact state lawmakers about the dSGEIS and fracking issues in the state. Such groups help to present opposition to fracking to policy makers as an issue that extends to communities beyond "downstate" activist groups.

Outlook

Activist groups quickly formed shale gas campaigns over the last year in response to the natural gas industry's and the investment community's growing interest in shale gas. Shale gas provides an opportunity for groups with grassroots members to put pressure on natural gas companies to put in place additional safeguards and guarantees that activists claim will protect the health of local residents and local ecosystems.

The most strident opposition to shale gas occurs largely on the local level. National groups want to have their voices heard to ensure that processes such as fracking are carried out in the safest possible way and leave the smallest ecological footprint.

Importantly, natural gas (and shale gas in particular) has not become a large scale target for activists' work on climate and energy issues in the same way that coal has. Whereas many groups are uncompromising in their opposition to coal (including clean coal), these groups' ultimate objective is to change the status quo on energy issues in the U.S. Insofar as natural gas is viewed as not being part of the U.S. energy status quo, it is more acceptable generally to groups that want to reduce greenhouse gas emissions and move toward lower-carbon energy fuel sources. However, as a fossil fuel, natural gas will never constitute a perfect solution in environmental activists' eyes, and they would like to put in place as many safeguards and constraints as possible on the natural gas industry's activities.