



National Office: The Secretary, Talamh, Knockvicar, Boyle, Co. Roscommon

Re: Proposal from Environmental Pillar that we provide the EPA with the Terms of Reference (TOR) for the Environment Protection Agency (EPA) study on Hydraulic Fracturing or “Fracking”

Unconventional Gas Extraction, including hydraulic fracturing or “fracking”, is a process which has never been monitored in Ireland under Irish conditions. Therefore the problems it may cause to the environment and to the people are totally unknown. The risks therefore that it poses are infinite. This makes it impossible for the EPA to come up with a report which gives Hydraulic Fracturing or “Fracking” a clean bill of health in Irish conditions.

We are told by the Environmental Pillar that the Minister has asked them to come up with questions, gathered from the communities and groups, to be put to the EPA which WILL FORM THE TERMS OF REFERENCE FOR THE EPA REPORT. However, where the process of “Fracking” is inherently unknowable, ungovernable and indefinable – it is impossible to regulate it safely. It is impossible to define the dangers.

We should not assist them by “defining” the risks for them.

If we do so they will have us in a corner as we will have given them the right to claim that “Fracking” is a measurable and real process. All the EPA will have to do then is to respond to our “questions and concerns”.

The processes we question which are indefinable will have become real and definable and the risks assessable.

The Terms of Reference for the EPA study are the Minister’s problem.

The statutory public consultation process must take place AFTER THE EPA PUBLISH THEIR REPORT. The Achilles’ heel of such reports – and the best approach to undermining their credibility – is to challenge their Terms of Reference as not being appropriate in the circumstances.

By defining our concerns at this stage, where we are told that they will form the Terms of Reference, we will be entrapped in a position where our later criticism of the Terms of Reference will be null and void.

Hopefully everyone can see that this is an attempt by the Government to entice the local community – the potential victims of their actions – **into limiting the scope of the Government’s liability** and to enable the EPA to claim it is dealing with definable risks.

Liability must **always** rest with the Government and its bodies, **never** with the victims.

The Government, through the Environmental Pillar, is asking us to be the architects of our own misfortune and surrender our ability to claim against them for damages in the future. It should not be allowed to get away with it. We believe the EPA should define its own Terms of Reference and we will challenge them at the Public Consultation stage if they get them wrong.