



Information letter for those to whom fracking matters and updates on the website FFI

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fracking ireland google groups, apply for membership: charlie2williams@gmail.com

BAN FRACKING IN IRELAND!

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Dear all,

In the newsletter 49-12 (84) from 9th November under the header 'What you can do/must do,?' I announced that I will send a package to our MEP's with regards to the upcoming plenary voting on two reports (ENVI and ITRE), that I will add the recommendations from the Friends of the Earth Europe, and that I will attach the text of our three petitions. Moreover I said that it will be followed by sending the MEP's a link to all scanned petitions gathered so far. I asked you, if you wish to sign this letter, to do so, and I wish to thank all the campaigners who did sign up so far.

I received some concerns from the Talamh group with regards to the explanatory statement.

I contacted the Friends of the Earth Europe and the Food and Water Europe (they issued the recommendations). Please find my questions and their answers below.

The Talamh group requested to post their letter to the MEP's and their commentary on the explanatory statements in the newsletter and on the website Fracking Free Ireland, which I will do. Please see heading Talamh group.

Thank you all for your contribution!

Ineke Scholte

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SONIC AND TZAVELA REPORTS (Envi-Itre) the procedure, the possibilities and recommendations by the FoE E explained.

Q what are your views re. the explanatory statements. Did you take that into account when you did provide the international anti frackers with your recommendations?

It is true we should have given more information about that part of the report. It is actually the last vestige of the initial text drafted by Sonik, **which can unfortunately not be modified**, but which only reflects the views of the rapporteur. It goes without saying that we do not support that part of the document but that's most fortunately a very secondary part of the document which is now in complete contradiction with the rest of the report (compromise amendments + many green amendments). **What will really be taken in consideration is only the 68 paragraphs above.**

Q what happens if you vote NO to the ENVI ?

If we vote No to the ENVI report, it would first send a difficult message to our allies in the European Parliament. I can only agree with you, this report is not what we want: We would just like to hear them calling for a ban on shale gas and on fracking, but the EP is unfortunately an Assembly with a large conservative majority, so potentially with a majority supporting any new business development in Europe. It is then quite a success to have a report like this one, that is the result of 4 months of quite intense and unusual coordination between a wide range of political groups (Liberals and Democrats, Socialists, Greens and left wing) aiming at seriously reversing a very pro-industry first draft. The current version of the report is far from being perfect, we are the first to agree with that, but I have the feeling this is really the best we can have (for the moment, at least).

Saying No to that report would then risk to leave a door wide-open for the industry which wouldn't be challenged by a legal text from the European Parliament. It would be the best present we could offer to the industry.

Thank you for your very relevant questions and sorry for the lack of information about this distasteful explanatory statement.

Please let me know if you need more clarity about these points,

Best,
Antoine Simon

Antoine Simon
Economic Justice Programme
Extractive Industries Campaigner

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WHAT YOU CAN /MUST DO

Dear all,

On Monday, 12th November 2012 , I will be sending a **package** to each of our MEPs ahead of the plenary session of the European Parliament scheduled for November 19 -22.

During this session, the MEPs will be asked to vote on two recent reports related to hydraulic fracturing (the ENVI and ITRE reports). Friends of the Earth Europe has issued recommendations for voting on these reports, which I will include in the package.

The letter that I will send them (see attached) makes very clear that what we in Ireland are calling for is a ban on fracking. To give the MEPS an indication of the strength of public sentiment in Ireland in favour of such a ban, I will enclose the texts of the three petitions that we are currently circulating, and I will inform the MEPs of the number of signatures collected to date on each petition.

To reinforce the message, I will follow this letter with an email, in which I will provide links to pdf files containing all the actual signatures on the petitions (scanned documents), as well as a link to a recent video that features the issue of fracking in Ireland (here is the link to the video: Vimeo: <http://vimeo.com/53026045>
Youtube: <http://www.youtube.com/watch?v=rEgnH5hi5as>
(this info will be also as an end note in the hard copy letter)

If possible, I would like to send the package collectively, in the names of all campaigners and groups who support its content. Please let me know if I can add your name (and county) and/or that of your organisation.

I will be posting the packages in hard copy form on Monday, November 12. **If you would like for your name or your organisation's name to be added to the list** at the bottom of the letter, **please let me know by email by noon on Sunday, November 11** at the latest.

Thank you,

Ineke Scholte

I wish to thank Sarah who wrote a draft for me that was very useful. I have chosen to inform the MEP's just on the position of the FoE Europe, add their recommendations, **but I feel that I am not in the position to give any advise to follow their voting recommendations. I feel I cannot speak/advise on behalf of the campaign** and I leave it to your own discretion if you wish to sent a letter to the MEP's re. the ENVI and ETRI reports and whether or not to go ahead with the voting advice of the Friends of the Earth Europe.

Please feel free to fw. this email.

If you have comments/queries, please do contact me

thanks, ineke contact: ineke@frackingfreeireland.org
ENVI report (Sonic) <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2012-283&language=EN>

ETRI report (Tzavela) <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2012-284&language=EN>

ps: You can of course send your own letter to the MEP's

REPUBLIC OF IRELAND MEPS

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LETTER TO MEP'S (ALL IRISH MEP'S)

Dear [MEP's name],

We, campaigners for a ban on hydraulic fracturing ("fracking") in Ireland, are writing to you in advance of the upcoming plenary session of the European Parliament,

Our view is that unconventional shale gas extraction, specifically by means of hydraulic fracturing, is so inherently polluting and dangerous that, even with the best regulation, the long-term risks to human and animal health and to the environment outweigh any short-term economic benefits.^[i]

We are therefore calling on the Irish government to ban hydraulic fracturing and all related processes for onshore exploration and exploitation of shale gas reserves. As an indication of the strength of public opinion in Ireland in favour of a ban on fracking, please see the attached documents related to the petitions that we are circulating.^[ii]

However, even if Ireland bans fracking, Ireland is still at risk from the fracking that will likely occur across the border in Northern Ireland. We therefore support calls from our fellow citizens in all parts of Europe for a comprehensive ban throughout Europe on hydraulic fracturing and all other processes related to unconventional shale gas extraction.

In the upcoming plenary session, there is unfortunately no fracking ban proposed for you to vote for. The best that is being proposed for now is improved regulation.

The Friends of the Earth Europe issued recommendations with regard to the votes to be held on Wednesday the 21st of November with regard to the ENVI and ITRE reports, respectively dealing with the environmental impacts and the industrial and energy aspects of shale gas. Please find attached the FOE recommendations, and please vote accordingly if you agree that they offer the best protection possible at the moment against the risks posed by hydraulic fracturing. (ENVI a YES vote and the ITRE a NO vote)

Overall we ask you to vote in support of any future measures that may come before you to ban the practice of hydraulic fracturing throughout Europe.

Sincerely,

[Names of individual campaigners and organisations]

Attachments:

1. Voting recommendations with regard to the ENVI and ITRE reports

2. Petition documents (text of: go petition online, hard copy and the AVAAZ petition)

end notes:

[i] Vimeo: <http://vimeo.com/53026045>

Youtube: <http://www.youtube.com/watch?v=rEgnH5hi5as>

The Vimeo version is better quality

[ii] To date we have collected 5,947 signatures on the hard copies, 10,878 signatures on the AVAAZ online petition and approx. 6,000 signatures on the online ban fracking petitions.

VOTING RECOMMENDATIONS RELATED TO THE ENVI AND THE ITRE REPORTS (by Friends of the Earth Europe and Food and Water Europe)

The following are the recommendations from Friends of the Earth (and Food and water Europe) for the votes related to the ENVI and ITRE reports. We urge you to support the highest possible environmental standards for fracking in Europe:

- I Please support the amendment to the ENVI report asking for a moratorium on the use of the hydraulic fracturing technique. The text of the amendment reads as follows:

"On the basis of the precautionary principle and on the principle that preventive action should be taken, taking into account the risks and the negative climate, environmental and health impacts involved in hydraulic fracturing and the gaps identified in the EU regulatory regime for shale gas activities, urges Member States not to authorise any new hydraulic fracturing operations in the EU".
- I Please support keeping the two reports separated: Merging them would mix two radically conflicting views, would send a highly confusing message to the other EU institutions and Member States and would seriously water down the essential gains of the ENVI report, voted and unanimously accepted by the ENVI Committee.
- I Please support the ENVI report in its current form, notably given its clear call to Member states to respect and implement current EU environmental legislation; its call to the European Commission to take new legislative measures (review of existing legislation to close gaps and launch of new specific legislation); its recognition of the main environment, climate and health impacts of shale gas activities; and its recognition of the importance of specific measures (baseline water monitoring data, environmental impact assessment, polluter-pays principle, full disclosure of chemicals, green completion, public information and participation).

Ø These points should not be watered down through the split vote process, especially as they were approved by every group in the compromise amendments.
- I Please reject the ITRE report, specifically given its unacceptable rhetoric about how shale gas could be a transition fuel that would contribute to achieve EU climate objectives (complete decarbonisation of the energy sector by 2050), notably thanks to the unproven and questionable CCS technologies; its overly-optimistic approach regarding the alleged economic benefits of the development of the shale gas industry in Europe; and its obvious green washing (support of the obscure chemicals-free fracking fluid).

If large-scale unconventional gas operations are allowed to go ahead in an unregulated way, this industry will repeat the same mistakes as in the US, with the same dramatic impacts for the climate, the environment and public health. It is therefore of the essence that these recommendations receive sufficient support.

Thank you.

THE TEXT OF THE GO- PETITION ONLINE (over 6000 signatures)

Online petition can be signed:

Republic of Ireland - <http://www.gopetition.com/petitions/ban-hydraulic-fracturing-for-natural-gas-in-ireland/sign.html>

Northern Ireland - <http://www.gopetition.com/petitions/northern-ireland-no-fracking-required-here/sign.html>

The TEXT OF THE HARDCOPY

Petition to Ban Hydraulic Fracturing for Shale Gas in Ireland

<http://frackingfreeireland.org/info-to-download/flyers/> (copy the text, print, sign and post to Ineke, for address please do contact)

We the undersigned call on the Irish government to place an immediate and permanent ban on the process known as Hydraulic Fracturing ('Fracking') and all related preparatory and exploratory work in the Republic of Ireland.

This horizontal drilling process involves the pumping of millions of gallons of water, mixed with hundreds of highly toxic chemicals, thousands of feet deep into the ground.

Already in the U.S.A and Australia, pollution caused by this process to land, to air, to surface water and to groundwater has resulted in a terrible health toll and catastrophic environmental damage. Countless cases of death have been reported among wildlife and livestock. A litany of serious 'fracking' related health problems for people in communities in areas where this technology has been used have also come to light.

Because of this damning body of evidence, which includes academic reports (1), moratoria on 'fracking' have been put in place in the state of New York, in the state of New Jersey, in the North Rhine Westphalia (Germany), in South Africa and in France.

The U.S. Environmental Protection Agency has only recently begun an investigation into the safety of the process. Their final report is not expected until 2014. At present in Ireland there is no regulation in existence that covers this extraction method, and there has been no research published into the potential consequences of such activity here.

Presently, a number of oil and gas companies who have already been granted exploratory licences, are preparing to use this process to profit from shale gas in the Lough Allen and Clare Basin Regions - an area which includes twelve counties (2).

If this is allowed the aftermath may be an irreversible disaster for us and our environment. It may result in the contamination of our water table, and of Ireland's most extensive and important river and lake network. We will not allow the safety of our water and the health of our children to be put at risk in return for temporary jobs and a quick-fix and unsustainable energy project.

The text of the AVAAZ PETITION (10.878 signatures)

http://www.avaaz.org/en/petition/Ban_Fracking_Ireland/?tta

Why this is important

Wherever hydraulic fracturing for shale gas is practiced there are cases of groundwater contamination, soil and air pollution, sickness, disease, and death in humans, wildlife, and livestock.

Exploration licences have been granted to companies which intend to use Hydraulic Fracturing (fracking) to extract shale gas if given the go ahead to proceed further.

Two licences cover large areas of the North West and South West of Ireland – namely Leitrim, Roscommon Sligo, Cavan, Monaghan and Donegal. Fermanagh is also included in the project however that, of course, is licensed under a different jurisdiction.

A third licence covers an area including Clare, Limerick, Kerry and Cork. These areas contain some of the most pristine and, beautiful natural environments in the world. The initial project area is also a UNESCO geo park and is unique in the world. Pat Rabbitte TD has the power to stop this process from going ahead. Please let him know that the world will not accept anything less than a ban on hydraulic fracturing in Ireland and sign our petition.

We believe Ireland holds a special place in the hearts of people around the world please help us prevent the destruction of this beautiful island.

FURTHER INFORMATION:

The companies involved in the north west are Tamboran resources Ld, and Lough Allen Natural Gas Co and. In the South West the company involved is Enegi Oil.

The following link gives a brief explanation/ presentation of the process involved
<http://www.dangersoffracking.com/>

MINISTER'S CONTACT DETAILS:

Please feel free to contact the Minister, urging him to stop this process from going ahead.

Pat Rabbitte TD, Minister for Communications, Energy & Natural Resources
Constituency Office 01 678 2011,
Constituency Office 01 618 3772,
Department Office 01 678 2000,
Department Office 01 678 9807, Email Address: minister.rabbitte@dcentr.gov.ie

Ban Fracking Ireland



TALAHM GROUP

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

Re: A7-0283/2012 ENVI (Sonic) REPORT

On the environmental impacts of shale gas and shale oil extraction activities

(2011/2308(INI))

Committee on the Environment, Public Health and Food Safety

12 November 2012

Dear MEP

We are concerned that the above REPORT, due before the European Parliament in Plenary Session, includes an EXPLANATORY STATEMENT that is, in our view, in conflict with the spirit and contrary to the intention of the Motion.

We have made notes on the content of this statement and cross-referenced it with points from the Motion, other EU documents and international reports.

We request that the Explanatory Statement, presently included in the Report, be withdrawn from the Report and replaced by one that properly reflects the content of the Motion and the opinions of the two committees, COMMITTEE ON DEVELOPMENT (19.6.2012) for the Committee on the Environment, Public Health and Food Safety and COMMITTEE ON LEGAL AFFAIRS (21.6.2012) for the Committee on the Environment, Public Health and Food Safety.

We cannot accept that the Committee on the Environment, Public Health and Food Safety approved this Explanatory Statement and believe that this raises questions as to the proper functioning of the European Parliament.

We are particularly concerned that at point 33 of the report which "Recognises that hydraulic fracturing takes place at a depth well below groundwater aquifers;"

Our understanding, from Canadian sources and from the USA, is that this is not correct. Reported practice indicates that wells are commonly fractured at multiple depths from the deepest level of the gas bearing substrate to the shallowest level and that the depth of fracturing is dependent entirely on where the gas bearing substrate is found locally. This shallow fracturing has the potential to seriously damage groundwater aquifers.

Yours faithfully

Andrew King, Chairman

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

**Re: A7-0283/2012 ENVI (Sonic) REPORT
On the environmental impacts of
shale gas and shale oil extraction activities
(2011/2308(INI))
Committee on the Environment, Public Health and Food Safety
12 November 2012**

TALAMH COMMENTARY ON THE EXPLANATORY STATEMENT

**Below we have recited the entire text of the Explanatory Statement
with our interspersed comments in italics**

"For the transformation of the energy system by helping to reduce emissions with existing technologies gas will be critical until at least 2030 or 2035."

Talamh Commentary – The writer produces no evidence to support this claim. This statement is not drawn from the Motion yet the external source is not reported. If GHG emissions from existing technologies decline and those resulting from the greater gas usage increase, overall emissions may not be reduced. The Committee for Development opinion at point 4 actually states, "Considers that increased shale gas exploration and production world-wide will lead to a considerable increase in fugitive methane emissions and that the overall greenhouse warming potential (GWP) of shale gas has not been evaluated;"

"Shale gas and other unconventional gas sources have become potential important new sources of supply in or around Europe. It has been recorded in the Commission's Energy Roadmap 2050 (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Energy Roadmap 2050, COM(2011)0885).

In that document, the Commission recognises that as conventional gas production declines. Europe will have to rely on significant gas imports in addition to domestic natural gas and potential indigenous shale gas, and that alongside internal market integration domestic shale gas will relax concerns about the EU's import dependency."

Talamh Commentary – It is nonsense to claim that the market is controlled by the EU. Private companies operating within member states are free to sell all of their gas outside of the EU.

"In recent years the extraction of 'unconventional' hydrocarbons, notably shale gas but also shale oil, has led to unprecedented and radical changes in global energy markets. In particular, shale gas has risen from 1.4 % of the US gas market in 2000 to some 17 % in 2011. Global gas prices and trade patterns are being re-shaped, with evident consequences for the EU."

Talamh Commentary – There is nothing "unprecedented" or "radical" about fluctuations in global energy markets. What 'evident' consequences does the writer show? What governs gas prices? The price of gas has slumped in the US. This slump has not been reflected in the price of gas in Europe?

"The 'shale gas revolution' is spreading worldwide at a relatively rapid pace. According to some estimates, total shale gas reserves in place in the EU exceed 56 thousand billion cubic metres (BCM) of which some 14 thousand BCM might be technically recoverable. This compares to Norway's conventional reserves of 2,215 BCM and annual production of some 104 BCM, and the EU's annual consumption of indigenous and imported conventional gas of about 522 BCM."

Talamh Commentary – The writer does not give a figure for current natural gas production in EU. He does not give a figure for conventional gas reserves for the whole of Europe. No reputable source provided for the data cited.

"While it is too early to conclude whether significant volumes might be extracted economically in the EU, a number of Member States have permitted shale gas exploration and are preparing for extraction if discoveries allow.

In addition to conventional vertical drilling and modern-computer-aided exploratory methods, two advanced technologies are key to sustainable production of shale gas and shale oil, horizontal drilling and hydraulic fracturing."

Talamh Commentary – Shale gas wells are known to be unreliable, with a rapid decline in produced gas. This cannot be described as "sustainable". Point 44 of the Motion specifically refers to "a sharp decline after the first two years".

“Horizontal drilling encompasses the drilling of vertical wells to a depth usually greater than two kilometres, with horizontal extensions then following along geological formations for up to three kilometres or more.”

Talamh Commentary – Reports from Alberta and the Yukon state that horizontal extensions have been drilled and fractured at depths far shallower than two kilometres. There are complaints that this has caused serious damage to groundwater aquifers.

“Hydraulic fracturing is an extremely seasoned and tested technology used in over of 1.2 million wells since the 1947, principally in Canada and the USA and for 30 years in Europe (latterly in Germany, Sweden, Poland, Spain, Denmark and the UK), is used in conventional hydrocarbon extraction in the EU, and is used or planned to be used on a very wide scale in numerous countries worldwide including Argentina, China, the Ukraine and India.”

Talamh Commentary – Paragraph E of the grounds for the Motion at page 5/27 states:

“whereas the two main techniques deployed in unleashing the UFF potential of shale gas and coal bed methane, horizontal drilling and hydraulic fracturing (fracking), have been used in combination for just a decade, and should not be confused with well stimulation techniques used for the extraction of conventional fossil fuels due to the combination of these two techniques and the scale of intervention involved;”

The Statement is doing precisely what Paragraph E declares should not be done by confusing contemporary processes with well stimulation techniques used for the extraction of conventional fossil fuels and takes hydraulic fracturing in isolation and not in combination with horizontal drilling.

“Besides this background it is important to monitor worldwide regulatory regimes and practices, and to recognise and address concerns about the environmental effects of shale gas and shale oil extraction. Those focus on the potential consumption of large volumes of water, the potential chemical pollution of groundwater bodies especially of drinking water, on the treatment of waste water and risks to surface waters, on the storage of waste seismic drill cuttings, on site-specific impacts, on seismic effects, and the possible implications for greenhouse gas (GHG) emissions.”

“It is important to note that no official or other reputable sources have demonstrated any systematic connexion between shale gas and shale oil extraction and human or animal health.

No official or other reputable sources worldwide have demonstrated any cases where hydraulic fracturing has led to contamination of drinking water.”

Talamh Commentary – It is contrary to scientific methodology to claim that evidence does not exist. Evidence must be certain, i.e. it exists. There can not be evidence that a certain thing does not exist.

Rapporteur Catherine Greze in the SUGGESTIONS of THE COMMITTEE ON DEVELOPMENT (attached to and part of the motion) states at point 1

“numerous studies and experiences from the US, demonstrate that a number of serious risks to the environment and health are associated with shale gas”

The writer is also in conflict with the study published by the Directorate-General for Internal Policies, Policy Department A: Economic and Scientific Policy of the European Parliament in June 2011, Impacts of shale oil and shale gas extraction on the environment and on human health, where it states in the Conclusions and Recommendations:

‘The technology of hydraulic fracturing has a significant impact in the USA, which at present is the only country with several decades of experience and long-term statistical records. The technology for shale gas development has characteristics which partly show unavoidable environmental impacts, partly have a high risk if the technology is not used adequately and partly have a possible high risk for environmental damages and hazards to human health even when applied properly.’

It is recognised at Point 17 of the Motion that such evidence has been suppressed where it refers to “mutual non-disclosure agreements regarding damage to environmental, human and animal health, that have been practised between landowners in the vicinity of shale gas wells

and shale gas operators in the US”

We list just three examples of reports known to Talamh, generally accepted as reputable that demonstrate a systematic connexion between shale gas and damage to human or animal health.

· The Endocrine Disruption Exchange –TEDX are just one example of a reputable organization that have produced numerous reports regarding the effects of the unconventional gas extraction industry on human health.

· Risk assessment of groundwater contamination from hydraulic fracturing fluid spills in Pennsylvania

by Sarah Marie Fletcher, Massachusetts Institute of Technology.

· ExxonMobil commissioned a report in Germany. Ausschluss des Frackings an bestimmten Standorten und Gebieten und Vorrang für Trinkwasser- und Gewässerschutz vor der Energiegewinnung.

“However, it should be emphasised that no human activity can be wholly risk-free. The aim of regulation must be to minimise environmental impact and strike a reasonable balance in the light of science, statistical data and of a full consideration of the risks and rewards (also encompassing the alternatives). Sadly, public discourse has included wilful suppression of some data and much extrapolation from hypothetical or individual incidents to the totality of shale gas and shale oil extraction.”

Talamh Commentary – Nothing in the motion refers to “wilful suppression of some data” or “extrapolation from hypothetical or individual incidents”

“Accordingly, the Commission and the competent national authorities should continue to study the potential environmental effects but on a scientific and statistically-based footing, covering Member States and reputable sources worldwide. They should avoid reliance on ideologically-biased academic.”

Talamh Commentary – What bona fides should be relied upon? Industry-supplied information is commercial information as the industry necessarily has a vested interest and so must be regarded with caution.

“The Commission and the competent national authorities should foster maximum transparency, and the provision of information to the public based both on proven science and statistics and on a context- and comparator-based assessment of the risks and benefits.

Regulation, Implementation, Monitoring and Co-operation

Under the Treaty on the Functioning of the European Union clearly states in Article 194 (2), that Member States have sovereign rights regarding choice of energy mix, and issuing licences and other approvals for the exploration and exploitation of hydrocarbon resources is a Member State prerogative.

Sovereign rights regarding choice of energy mix can be subject to EU approval, this was stated by a commissioner last year in correspondence to an Irish representative.

In the EU shale gas and shale oil extraction is governed by the same principles which apply to other types of extraction such as of coal, conventional gas and oil, of water and geothermal energy, and to underground activities such as injection of CO₂ for gas and oil recovery, storage of gas and oil reserves and storage of CO₂ for carbon capture and storage (CCS) purposes.

The Commission considers that unconventional hydrocarbon projects involving the combined use of advanced technological processes such as horizontal drilling and hydraulic fracturing are covered by EU environmental legislation from planning until cessation, 36 instruments being applicable and eight Directives being principally involved. The Commission has confirmed that existing EU and national legislation satisfactorily governs all aspects of shale gas and shale oil extraction.”

TALAMH COMMENTARY – When and in what document did the Commission make these confirmations?The writer does not cite an EU Commission document.

In this regard the Directorate-General for Internal Policies. POLICY DEPARTMENT A, stated in

June 2011:

'Existing mining laws in Europe and related regulations affecting mining activities do not take care of the specific aspects of hydraulic fracturing.'

Also In the Executive Summary of the same report at paragraphs 1 and 2 it states:

'There is no comprehensive directive providing for a European mining law. A publicly available, comprehensive and detailed analysis of the European regulatory framework concerning shale gas and tight oil extraction is not available and should be developed.'

'The current EU regulatory framework concerning hydraulic fracturing, which is the core element in shale gas and tight oil extraction, has a number of gaps. Most importantly, the threshold for Environmental Impact Assessments to be carried out on hydraulic fracturing activities in hydrocarbon extraction is set far above any potential industrial activities of this kind, and thus should be lowered substantially.'

Furthermore at p.12 (EU Regulatory Framework) it is stated,

'Due to the multitude of relevant legislation from various fields, the specific risks of hydraulic fracturing are not sufficiently covered. Nine major gaps were identified:

- 1. lack of a mining framework Directive,*
- 2. insufficient threshold in the Environmental Impact Assessment (EIA) Directive for natural gas extraction,*
- 3. declaration of hazardous materials not mandatory,*
- 4. approval of chemicals remaining in the ground not required,*
- 5. no Best Available Technique Reference (BREF) on hydraulic fracturing,*
- 6. The waste water treatment requirements are insufficiently defined, and the capacities of water processing facilities are probably insufficient if underground injection and disposal is to be banned,*
- 7. insufficient public participation in decision-making at regional level,*
- 8. effectiveness of water framework directive insufficient, and*
- 9. LCA not mandatory.'*

From the same report Report at p.52 it states,

'The Directives are sorted by relevance within each table. Not all of these Directives are necessarily effective as of today due to possible delays in (correct) transposition into National law.'

Currently, extractive industries are facing problems due to insufficient legislation, as put by Tomas Chmal, Partner at White & Case, at the conference Shale Gas Eastern Europe 2011 in Warsaw, Poland:

"Poland is traditionally a gas country, but the Geologic and Mining Law does not say anything about hydraulic fracking or horizontal drilling. The new law being discussed doesn't cover these either." [NGE 2011]

The Motion itself seeks improvements to regulations at points 13, 21, 23, 30.

'Under the applicable EIA Directive (Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) and Mining Waste Directives public opinion has the right to be consulted.

Once extraction commences, relevant EU instruments mandate reviews and, if needed, revisions of authorisations. The competent national authorities have monitoring obligations, and failing compliance, extraction can be prohibited. It is recognised that the effectiveness of

EU and Member State legislation ultimately depends on the efficiency of the competent national authorities, so Member States must have regard to strengthening their regulatory, monitoring and enforcement resources in the light of prospects for the extraction of shale gas and shale oil.

Any new EU legislation will destabilise the current adequate network of EU and national regimes, moving them away from the existing safety case approach and giving rise to the risk both of gaps and of redundancies in regulatory cover. The Commission and the competent national authorities should monitor changes in technology worldwide with a view to assessing the adequacy and efficacy at all times of existing legislation and regulatory practice."

c The writer cannot predict what legislation would be brought in by the EU, and if any were it is HIGHLY unlikely it would move away from the Safety Case approach, which is internationally accepted as the norm. This statement is a groundless assumption and presumes the European Parliament would be incompetent.

"Information is already shared within the EU and globally by the Commission, by competent national authorities, and by industry groups. Stronger efforts to share best practices and regulatory experience, including the statistical monitoring of the use and impact of evolving technologies, can lead to significant mutual benefits.

The Commission and competent national authorities should have particular regard to the experience, covering many decades, of exemplary North American regulators such as the British Columbia Oil and Gas Commission and the Energy Resources Conservation Board of Alberta. Initiatives such as that of the Canadian Association of Petroleum Producers in defining best practice on hydraulic fracturing, and of the International Energy Agency to define best practice in shale gas and oil, are to be welcomed.

The competent national authorities should collate and share incident reporting, with due regard for commercial sensitivities, so that lessons can be promptly learned and conclusions drawn. The Commission should assess the efficacy of the various existing information flows among the competent national authorities, with regard for the ensuing administrative burden.

Environmental Aspects of Hydraulic Fracturing

Water Resources

Water is the principal component of fracturing fluid, and the abstraction and consumption of large amounts of water resources might locally affect the ecological and quantitative status of surface and groundwater sources, and that reduction in water quantity and flow may affect water quality and the associated ecosystems.

Shale gas is among the most water-efficient sources of energy. Contrary to some broadcast impressions, the volumes of water required for extraction are minimal compared to other requirements. Authoritative estimates of water needed in the UK to produce 9 BCM of shale gas annually (some 10% of the UK's current annual gas consumption) are 1.25-1.65 million m³, this being 0.14-0.18 % of current annual abstraction for industry (905 million m³, excluding electricity generation)."

TALAMH COMMENTARY – This is an irrelevant comparison. Industry is generally a consumer of energy and not a producer.

"Nevertheless, the Commission and the competent national authorities should monitor the potential use of water resources for extraction in their respective national economies, in the context of other and alternative usages. Producers ought further to reduce water use in fracturing, to continue the search for solutions avoiding the use of fresh water, and to maximise re-usage.

The competent national authorities should continue to have regard in regulatory practice to the effects on the availability and quality of water resources.

Possible hazardous substances

There is a need to address some concerns in the EU regarding any potential leakages of hydrocarbons, fracturing fluids and other substances into aquifers and into the atmosphere.

Hydraulic fracturing takes place at depths of some two kilometres ...”

TALAMH COMMENTARY – This is not true, hydraulic fracturing can take place at any depth.

“... and the upward migration of hydrocarbons and fracturing fluids from such levels is practically impossible.”

TALAMH COMMENTARY – Shale rock naturally occurs with other sedimentary carboniferous rocks which are not impermeable, limestone for example. Given this fact, it would seem inevitable that some upward migration of hydrocarbons and fracturing fluids will occur.

“Again, no official or other reputable sources worldwide have demonstrated any cases where hydraulic fracturing has led to contamination of drinking water.

The chemicals which are some 0.5 % of fracturing fluids in current practice are made up of additives found in households, ...”

TALAMH COMMENTARY – This reference to “additives found in households” is regularly used by the industry in public relations exercises. We can find no reference to “additives found in households” in the Motion.

“and there is a tendency among individual producers and industry groups voluntarily to propose, and for authorities to mandate, full disclosure of the composition of fracturing fluids. Operators are adopting the elimination of any potentially hazardous additives.”

TALAMH COMMENTARY – This is another “public relations exercise” that has no relevance to an explanation of the motion.

“Nevertheless, effective water management and ultimate disposal is clearly critical, notably of the flow back water which can contain high concentrations of salts.”

“Competent national authorities should carefully monitor the application of regulatory practices on the casing and cementing of wells.

The Commission should propose best practices, and the competent national authorities should mandate, elimination of potentially hazardous components and full disclosure via publicly-accessible electronic means of fracturing fluid compositions and volumes used.”

“Public participation and local conditions

Extraction may give rise to a variety of impacts over time, such as the in early phases by diesel- or natural gas-fuelled engines powering drilling equipment and pumps, and in extraction by pumps and compressors. For instance, an 8-well pad may require some 4-6 thousand truck trips over some six months pre-extraction. A typical multi-outlet retail complex generates 15-25 thousand truck trips per annum indefinitely.”

TALAMH COMMENTARY – This is likely a gross underestimate. There would more likely be 24 to 36 wells on each pad.

“As with other environmental effects, the context and comparators must be borne in mind.

Disturbances are reduced to a minimum once extraction commences, a producing well’s surface equipment covering a few square metres and production being silent.”

TALAMH COMMENTARY – One pad could cover several hectares, flow back pits alone are bigger than civic swimming pools. Access roads are extensive. Point 44 of the motion “notes that the storage tanks, compressor stations and pipeline infrastructure further add to the land use impact of shale gas activities.”

Each well is classified as a Major Accident Hazard which can not therefore be described as a minimum disturbance. This is a major disturbance to local populations.

“In contrast to most other extractive and industrial processes decommissioned shale gas and shale oil wells typically leave no trace on the surface landscape Such potential disturbances are to be considered by the competent national authorities in their regulatory activities and specifically in the application of the EIA Directive.”

TALAMH COMMENTARY – Contrary to this statement the experience from Ireland is that the

safety, monitoring and post decommissioning pollution control of the site is a burden on the local community after the private operators are long gone.

“Public participation should be provided by information campaigns before exploration and public consultation on the early stages before exploitation. It is necessary to take greater outreach and public education in unconventional fossil fuels activities to enable public understanding, acceptance and confidence of these activities. It is important to stress that extraction of UFF can be also a great opportunity to strengthen economy, increase employment and development in certain EU regions.”

TALAMH COMMENTARY – This final paragraph does nothing more than support and recommend the industry - this is ENTIRELY BEYOND THE REMIT OF THIS EXPLANATORY STATEMENT. The purpose of the Explanatory Statement is to advise the Parliament on what precautions should be taken, in the spirit and intention of the Motion to protect the Environment, Public Health and Food Safety, NOT to promote the industry. The writer further omits in the Statement any mention of the regulation of European-based companies operating outside of the EU.