

CLEAN Future Act Lays Groundwork for Backdoor Fracking Ban

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On Tuesday, the House Subcommittee on Environment and Climate Change of the Committee on Energy and Commerce will hold a legislative hearing on the CLEAN Future Act, [legislation](#) sponsored by Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ).

Buried within the Democrats' 981-page "climate" bill are provisions that would lay the groundwork for a nationwide fracking ban, threatening American production of oil and natural gas, U.S. energy independence, and affordable energy for consumers.

Section 623 is a federal power grab stripping states of the right to regulate hydraulic fracturing and could empower EPA to impose a nationwide fracking ban through federal regulation of fluids required for hydraulic fracturing.

Rather than allowing states to regulate fluids from hydraulic fracturing as they currently do, Section 623 would "prohibit the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations" unless operators meet testing and data reporting requirements determined by political appointees at the EPA.

Democrats are using the long-debunked and anti-science notion that fracking is an inherent threat to groundwater in order to seize regulatory authority away from states. This provision would break from the Obama EPA's years-long assessment that federal regulation of fracking's impact on water resources was not required.

A resolution co-sponsored by state oil regulators in Texas and North Dakota in response to the CLEAN Future Act urges the Biden Administration and Congress to oppose the CLEAN Future Act on behalf of oil and gas producing states. In the rollout of the resolution, Texas Railroad Commissioner Wayne Christian labeled the CLEAN Future Act as "**nothing more than the Green New Deal in lipstick,**" that would "**effectively federalize regulation of oil and gas, increasing costs to consumers and our national debt, while harming our energy independence and national security.**"

Here is text straight from the resolution:

"The CLEAN Future Act would impose redundant and unneeded regulations on oil and gas drilling, hydraulic fracturing, and production operations currently regulated by the States..."

"The CLEAN Future Act contravenes the principle of cooperative federalism by creating significant regulations at the national level that will limit the ability of states to regulate the exploration and production of oil and gas within their jurisdictions."

Section 625 would allow EPA to classify "produced waters" as "hazardous waste" to prevent fracking, contrary to EPA's own 2019 assessment.

Exploration and production wastes have been regulated as non-hazardous wastes under the Resource Conservation and Recovery Act (RCRA) for decades. EPA's most recent assessment in 2019 reaffirmed this determination by concluding "revisions to the federal regulations for the management of exploration, development and production wastes of crude oil, natural gas and geothermal energy under Subtitle D of RCRA are not necessary at this time."

Yet section 625 ignores these findings and labels the current classification as a "loophole" and an "arbitrary and needless evasion of regulations." The clear intent of Democrats in this section is to provide a pathway forward for political appointees at the EPA to alter the longstanding classification of produced waters from "non-hazardous waste" to "hazardous waste." Doing so would bring American fracking to a standstill as only 800 wells in the U.S. are equipped to handle hazardous waste compared to 180,000 non-hazardous waste wells, according to EPA data.

Wrongly reclassifying produced waters as hazardous waste would overwhelm the industry's capacity to handle hazardous waste and effectively shut down production.

Both of these provisions are attempts to concentrate the regulatory authority of American energy production at the federal level for the purpose of furthering the political Left's anti-fracking crusade.

Americans for Tax Reform urges Members of Congress to oppose the CLEAN Future Act.

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