



May 2, 2014

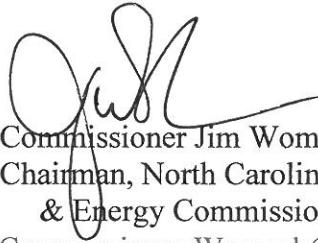
POINT PAPER

SUBJECT: 2014 Political Ads Alleging Votes to Fast Track 'Fracking' in North Carolina

PURPOSE: The purpose of this point paper is to provide authoritative assessment of the content in paid political advertisements run jointly during the months of March-April 2014 by the Southern Environmental Law Center and the National Resource Defense Council in television and internet mediums criticizing Senators Barefoot, Meredith, Rabin, and Wade for their voting records related to Senate Bill 76 (Domestic Energy Jobs Act) in 2013. The facts and opinions expressed in this point paper are solely those of the MEC Chairman and have not been coordinated with other MEC members or the staff at Department of Environment & Natural Resources.

1. In thoroughly reviewing the content of the political advertisements of March and April 2014, criticizing Senators Barefoot, Meredith, Rabin and Wade for their votes on early versions of Senate Bill 76 in 2013, I found very little content that was accurate and truthful.
2. The ads incorrectly and inappropriately assert the four Senators voted to "fast-track fracking." At no time and in no version of Senate Bill 76 was there an attempt to accelerate the process of rulemaking beyond what had already been provided for in Senate Bill 820 (Session Law 2012-143). SB 820 already required the MEC to adopt its rules by October 1, 2014, which would naturally lead to the issuance of drilling permits by the spring of 2015.
3. The political ads appear to misconstrue the date certain for permitting (March 1, 2015) called out in early versions of SB 76 as somehow fast-tracking the rule-making process, when instead that provision simply clarified the early date at which DENR would be allowed to begin issuing permits. Although the language was dropped in subsequent versions of SB 76, the MEC's current timeline for completing its rulemaking process likely will allow DENR to begin issuing permits by that very date.
4. The ads assert that hydraulic fracturing (referred to in the ads as 'fracking') uses "toxic chemicals including benzene, silica, and formaldehyde that can cause cancer and birth defects." This is a very inaccurate and misleading statement. Benzene is an EPA banned substance at the federal and state levels- its use for hydraulic fracturing anywhere in the country is illegal.
5. Silica is not a chemical; it is sand and is used as a proppant during the well stimulation process. It is no more harmful in this industry than it is to quarry workers. With simple precautionary measures silica can be safely and effectively managed during the well stimulation process.
6. Formaldehyde is sometimes used as a fracturing fluid additive as a scale or corrosion inhibitor, but the concentrations of the additive are so small that the fluid is diluted well below toxicity levels considered harmful by OSHA.

7. One version of these commercials features a Susan Davison who was identified as an RN from McMurray (Washington County), PA and who claimed to have school nurse reports about children getting sick from 'fracking' within 500 feet of schools. The ad chided North Carolina senators for not checking with Pennsylvania officials first before moving forward with 'fracking.'
8. In checking with contacts in the Pennsylvania Department of Environmental Protection (DEP) and with Washington County officials I learned there have been no reports of school children becoming sick from drilling operations at any time during the history of shale energy development there. There are no wells being drilled in the area around McMurray, PA, much less around any schools there.
9. There is no one working for the county by the name of Susan Davison. In fact, there is no one registered to vote or who owns property in the county by that name. Clearly, this Ms. Davison is not speaking as an authority for any jurisdiction in southwestern PA and her assertions of school children sickness from drilling in Washington County are being falsely reported, according to Pennsylvania officials.



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