

**Submission on the Petroleum Safety Framework Consultation Paper-
CER/11/137**

Saskia de Jong

Action for Thoughtful Use of Natural Resources

Saskia de Jong
Action for Thoughtful Use of Natural Resources
Lecarrow
Drumkeeran
Co. Leitrim

To: Eamonn Murtagh
Project Manager – Petroleum Safety Framework,
Commission for Energy Regulation,
The Exchange, Belgard Square North,
Tallaght,
Dublin 24.
E-mail: emurtagh@cer.ie

Ref: Submission on the High Level Design of the Petroleum Safety Framework Consultation Paper – CER/11/137

Date: 26/09/2011

Dear Eamonn Murtagh,

Please take in consideration my Submission on the High Level Design of the Petroleum Safety Framework Consultation Paper – CER/11/137.

The Commission for Energy Regulation (CER) has a responsibility to ensure that safety regulations are consistent and within best international regulatory practice.

Safety is not defined in any legislation regulating safety in Ireland. Safety is therefore given its ordinary meaning, and dictionary definitions generally define 'safety' as the absence of danger (CER/11/137 page 15). The only way to ensure the absence of danger is not to proceed.

The Petroleum (Exploration and Extraction) Safety Act, 2010 requires that the Framework is based on a risk based approach where petroleum undertakings are required to reduce all safety risks to a level that is As Low As Reasonably Practicable (ALARP)(CER/11/137 page ii).

Unfortunately the safety risks of hydraulic fracturing will come under the proposed risk based approach of ALARP - It has to be noted that according to the Treaty on the Functioning of the European Union (TFEU), each Member State is responsible for deciding whether to allow prospecting, exploration and/or production of unconventional gas resources within its jurisdiction, taking into account the Precautionary Principle.

From the great deal of evidence available I do not believe that it is possible to carry out 'safe hydraulic fracturing' and the Precautionary Principle should apply and hydraulic fracturing should be banned until such time as:

1) A national debate to legislate the overall issue of hydraulic fracturing in Ireland has taken place;

**Submission on the Petroleum Safety Framework Consultation Paper-
CER/11/137**

Saskia de Jong

Action for Thoughtful Use of Natural Resources

2) Following on from 1) - Legislation regulating the overall issue of hydraulic fracturing has been put into place in Ireland, taking especially in consideration that the proposals also state that the Framework should be goal setting rather than prescriptive in its nature.

Yours etc.,

Saskia de Jong

Action for Thoughtful Use of Natural resources

Lecarrow, Drumkeeran, Co. Leitrim, Ireland.

For your convenience – This letter is emailed to emurtagh@cer.ie on 26/09/2011 as well.

.