

Tina Graham

Subject: CER12017(3) Draft Decision on HLD of PSF consultation - Response from Sarah Akamine
Attachments: submission.pdf

Dear Mr. Murtagh,

I attach my submission for the Draft Decision Paper on the High Level Design of the Petroleum Safety Framework.

I would appreciate an acknowledgement of receipt.

Thank you,

Sarah Akamine

**Submission in response to the
Draft Decision Paper on the High Level Design of the Petroleum Safety Framework**

26 March 2012

Dear Sirs,

Please take the following comments and suggestions into account:

General comments:

I am concerned that the Petroleum Safety Framework covers too many diverse activities, and omits to make the specific prescriptions required for specific activities. The safety issues related to offshore and onshore petroleum exploitation are very different and should be addressed as such. My specific area of concern is the use of hydraulic fracturing (“fracking”) for the exploitation of shale gas. The safety issues related to fracking, which takes place in the countryside, near people’s homes, are completely different from the safety issues of an offshore oil rig, and are serious enough to warrant specific regulation. I do not feel that sufficient consideration has been given to all the dangers associated with hydraulic fracturing.

It is not enough to say that the Petroleum Safety Framework includes onshore shale gas exploitation. There should at least be a section of the framework that specifically relates to this type of petroleum exploitation. For clarity, if nothing else. I hope that the final High Level Design of the Petroleum Safety Framework will include a general section of provisions relating to both onshore and offshore resource exploitation as well as detailed sections that deal with each of these very different activities separately.

As it stands, the Draft document does not give one the impression that all of the facets of onshore gas exploitation have been given specific and careful consideration, except by the respondents to the previous draft. I do not think this is good enough for a framework that aims to regulate a practice such as hydraulic fracturing that is known to be highly polluting and dangerous.

My comments below relate specifically to the safety issues associated with onshore shale gas exploitation.

Specific comments and suggestions:

Section 2.3.2.3, ii , iii

It is not clear whether the “facilities, installations, and structures” include for example the wastewater pits containing fracking flowback water. It is not clear what the “licensed area” includes. Does this cover only the well, or the entire well pad, or the entire area of land that would be covered by a petroleum license?

Section 3 g), specifically note 39.

To ensure the possibility of effective monitoring and inspection, and to protect the health of the general public, the **Safety Reporting and Published Safety Information System** must specifically require the disclosure of all chemicals used in the hydraulic fracturing process. It must be explicitly stated that this critical safety information will not be considered to be covered by industrial or commercial confidentiality. Safety must come first. It is vital that the requirement to disclose all chemicals used be set forth explicitly.

Section 4.2.5 Provide Safety Information to the Public

“Achieving transparency is a legitimate outcome for the CER, provided that of itself it does not compromise any other obligation (e.g. commercial confidentiality, security, etc.)...”

Here again, it must be explicitly stated that the disclosure of the chemicals used in the fracking process will not be considered to be covered by “commercial confidentiality”. This is the most important safety information to provide to the public with respect to hydraulic fracking. The value of the Safety Framework will rest on this crucial issue. The chemicals must be disclosed, especially in the event of any chemical or wastewater spill.

Section 4.3.3 Engender confidence that the regulatory framework is protecting the public

Again, the first step is clearly to publish the chemicals used and the quantities.

A suggestion:

There should be a website that shows all fracking activities in the country in real-time, on a map. There should also be a hotline, as there is for the gas supply network. Citizens in the areas covered by the fracking licenses would then be able to check which wells were being fracked in their neighborhood and report any strange changes to surface or groundwater, animals becoming ill, dead wildlife, etc. Similarly, if there was a well blow-out, citizens could report it immediately. The gas wells are not generally manned, so it is crucial that citizens have a way of reporting accidents immediately to a central authority.

The hotline should be able to field calls relating to environmental problems as well as human health problems. The CER can presumably work with the relevant other agencies such as the EPA, the HSA and the HSE in this way? That sort of joined-up, coordinated approach would help to engender public confidence.

Without such a system, on the other hand, how could anyone feel safe living near a gas well?

Section 6.3.1.1 Well Notification

From the initial stages, well notification documents should be published. On the website suggested above, for example, citizens could consult a map and see where new wells were being proposed in their areas. In addition, notices of proposed well sites should be required to be published in the local newspapers and with notices at the proposed site, as is the requirement for planning applications for a new garage or a septic tank.

Section 6.4 Safety Case Assessment

There should be a provision made for citizen input into the *“detailed scrutiny of whether the proposed safety case complies with the requirements of the Act”*.

Section 8.1 Incident Notification

The list of reportable petroleum incidents does not seem to take into account the sort of actual health problems that are experienced by people who live in the vicinity of onshore shale gas wells. Perhaps it should be specified explicitly that *“(b) results in personal injury...”* covers symptoms such as chronic nosebleeds, skin problems, breathing problems, fatigue, chronic pain, and the other symptoms that are known to be associated with exposure to the toxic chemicals contained in gas well emissions, such as benzene and lead.

A spill (accidental or otherwise) of highly toxic and radioactive wastewater would presumably be considered an “incident”? How about a well fire/explosion? These kinds of incidents should be explicitly included.

Section 9 Agreed Regulatory Interfaces and Co-operation

I propose, again, that a website be set up that would show, on a map, all the hydraulic fracking activities in the country. The website would ideally provide different levels and types of information, such as the progress of the various applications and public consultation processes, the accident history of each well, the results of past inspections,

etc. The various agencies and government departments with responsibility for regulating hydraulic fracking, as well as the general public, would have a single, comprehensive source of reliable, shared information.

All stakeholders could feed into and use this system to ensure the highest level of monitoring, regulation, safety, and transparency. Such a website could have different levels of authorisation built in, so that the general public and the petroleum operator, for example, would not have access to information related to scheduled inspections and audits. This sort of centralised website would allow the coordination of the various licenses and permissions that would be required, and allow the public to remain informed as to public consultation processes and the actual state of petroleum operations in their local area.

Section 11.2 Information the CER intends to publish

The CER should also publish the following:

- The initial application for each proposed well
- The progress of the approval process for various permissions
- The dates and results of completed audits/inspections
- Incident histories, by well, by geographic area, and by operator
- Any enforcement proceedings and the results

Conclusion:

As a citizen living in an area that is covered by a licensing option for shale gas (the Clare Basin), I do not feel at all confident that my safety will be protected. I think of my safety in terms of the air I breathe, the water I drink, and the food I eat, all of which affect my health directly. I expect my government to think of my safety in the same terms, and to value it as highly as I do myself.

If the Petroleum Safety Act does not go far enough in its current form to protect my safety (and I suspect it does not), it should be amended before any hydraulic fracking is ever allowed in Ireland. At the very least, it should deal with the issue of hydraulic fracking explicitly and thoroughly, building on what other jurisdictions have learned about the practice, to their cost. Preferably, it should be amended to ban fracking permanently, on the grounds that this inherently polluting and dangerous activity cannot be regulated and controlled sufficiently to ensure that citizen safety is protected.

The CER has clearly received many submissions from other citizens who share my concerns. I ask you sincerely to formally pass our concerns on to the government, with a recommendation to ban fracking in Ireland. The government might listen to you...

Thank you for considering this submission.

Sarah Akamine
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