

## Eamonn Murtagh

---

Attachments: cer12062.pdf; cer12061.pdf

---

**From:** Eamonn Murtagh  
**Sent:** 09 July 2012 15:48  
**To:** 'Paddy Reilly'  
**Subject:** Response to email of May 11th 2012

Dear Paddy,

I am writing to you in response to your email on May 11<sup>th</sup> 2012 which raises a number of points with respect to the Petroleum Safety Framework (your points are in italics below). As I outlined in my email to you on May 16<sup>th</sup>, your submission was beyond the closing date for the consultation on the Draft Decision Paper on the High Level Design of the Petroleum Safety Framework. However with the decision paper on the High Level Design of the Petroleum Safety Framework now published (the 'Decision Paper, see CER12062 attached), I am happy to address the points you raised, as set out below:

- *“Regarding Fracking. The technology has not been invented yet to monitor in detail what is happening beneath the ground. Therefore the only reasonable way to reduce risk is not start until this technology is available.”*

**CER Response:**

With regards to the technology involved in hydraulic fracturing I refer you to section 3.2.2 and 13.1 of the *Draft Decision Response Paper* (see CER12061 attached). I also refer you to section 5.2 and 5.4 of the *Draft Decision Response Paper*, which outlines the application of the ALARP Principle and the Precautionary Principle, and section 5 of the Decision Paper which sets out the high level requirements upon petroleum undertakings in demonstrating risks are ALARP.

- *“8.2 4e. An application for suspension of petroleum activities? Surely safety must take priority, not the continuation of activities. Immediate suspension must be the standard.”*

**CER Response:**

Under the *Petroleum (Exploration and Extraction) Safety Act 2010*, the CER has the power to issue a number of notices upon petroleum undertakings carrying out petroleum activities, including prohibition notice and emergency direction. This may take effect immediately once the notice is received by the petroleum undertaking or the person on whom it is served. In the circumstances where a petroleum undertaking fails to comply with the direction, the commission may apply *ex parte* to the Court for an order restricting or prohibiting that activity. For further clarification, please refer to section 10 of the *Decision Paper*.

- *“Regarding fracking.*
  - *Anything less than complete restoration of the aquifer to its pre-contamination state is totally unacceptable.*
  - *These people are here for the huge profits to be made from oil and gas, mere fines are just costs to be taken into consideration and passed on.*
  - *Imprisonment of some company personnel will not hurt upper management or shareholders.*
  - *They will have the funds and the legal personnel to argue a case through a succession of courts for years, maybe decades.*

*As a deterrent to unsafe practices these proposals are pathetic.”*

**CER Response:**

Please refer to section 10 of the *Draft Decision Response Paper*, where it is outlined that level of fines is set out by the legislator. Please read also section 10 of the *Decision Paper* for further clarification on the enforcement powers available to the CER

I hope the above responses to your comments have clarified issues with respect to the points that you have raised.

If you have any further questions or queries please do not hesitate to get in contact

Regards,

Eamonn

Project Manager - Petroleum Safety Framework,  
Commission for Energy Regulation,  
The Exchange  
Belgard Square North  
Tallaght,  
Dublin 24  
Tel: + 353 1 4000 800  
Fax: + 353 1 4000 850