CONTROLLING THE LOCAL IMPACTS OF HYDROFRACKING THROUGH SMART REGULATIONS

Pace Land Use Law Center/
Yale Center for Environmental Law
and Policy
December 6, 2013

Mark K. Boling
President
Public Opinion of Hydraulic Fracturing

Percent of respondents in: MICHIGAN

82% Believe HF is important to the state’s financial well being
52% Believe HF’s economic benefits outweigh environmental risks
52% Favor a temporary ban on HF

Percent of respondents in: PENNSYLVANIA

86% Believe HF is important to the state’s financial well being
58% Believe HF’s economic benefits outweigh environmental risks
54% Favor a temporary ban on HF
What Does This Mean?

• The “economic benefits” argument is not enough to gain public acceptance of hydraulic fracturing operations.

• Industry, regulators and other stakeholders must do more to assure the public that hydraulic fracturing can be done safely.
Current Regulatory Environment

THE PERFECT STORM

- Public Distrust and Fear
- Natural Gas Industry
- Certain Environmental Activists/Groups
- Politics Guiding Policy
Developing Smart Regulations

- Dial down the rhetoric
- Identify the real risks associated with responsible development of this resource
- Develop “smart regulations” to minimize these risks
What is Smart Regulation?

Smart Regulation = Effective Risk Management

1. Identify the risks
2. Assess the probability of occurrence and potential impact of each risk
3. Implement appropriate risk mitigation strategies
Risk Identification

Surface Risks

Subsurface Risks
Subsurface Risks

Protecting Underground Water Resources

Frac Fluid Disclosure
Surface Risks

Air Emissions

Surface Impact
- Drilling Locations
- Truck Traffic & Road Damage
- Infrastructure

Water Use
- Water Handling
- Water Reuse & Disposal
Smart Regulation – Assessing Risk and Implementing Risk Mitigation Strategies

COLLABORATION AND RISK COMMUNICATION

ASSESSED RISK

SMART REGULATION

PERCEIVED RISK

PUBLIC TRUST & ACCEPTANCE
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