

# Responses Related to Shale Gas Governance from the General Elicitation

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# Public elicitation implications for governance

- Identify concerns among interested and affected parties
- Open-ended elicitation, intent not to evaluate validity but rather identify prominent concerns
- 372 respondents, wide range of groups
  - opponents, regulators, gas companies, renewable energy media, etc.
- 21% (531 comments) of concerns about risk governance

# Corporate culture and practice

- Cutting corners (speed and greed):
  - ...new animal farms and wind farms are required to conform to standards that are not being applied to oil and gas companies...How did money become more important than people? (210)
  - I am concerned about the break-neck speed with which the industry is proceeding, using a learn-as-we-go methodology. (211)
- Illegal activities (corruption and bribery)
- Questionable activities (intimidation)
- Leveraging power (political lobbying)

# Regulatory shortcomings

- Inadequate (existing regulations and laws, exemptions – “Halliburton loophole”)
  - Industry has been granted exemptions to major provisions of federal environmental laws including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, CERCLA, RCRA, and others. Therefore states are left to regulate the industry without adequate funding or protocols to guide their regulations and enforcement practices. (99)
- Capacity for enforcement (time; expertise; financial resources)

# Inadequacy of information

- Limited understanding (data quality, completeness or relevance; science (flawed, biased, or limited); misinformation)
- Disclosure (deceit; insufficient disclosures; obfuscation)
  - Too many obstructions to collecting and/or publicizing hard data about most impacts...Many of these obstructions are a result of non-disclosure requirements imposed by the oil and gas industry. Even doctors are forbidden from reporting health impacts that they have been involved in treating. Monitoring methane leaks is made extremely difficult due to the companies' refusal to provide their own info on procedures, not to mention data. (157)

# Unfairness in legal systems/regimes

- Violation of property rights – forced pooling
  - Compulsory integration, which takes gas from under my property without my permission and then holds me liable for damages which may occur to my neighbors...(126)
- Accountability and liability

# Distributive/environmental justice

- Who bears the risks and who reaps the benefits?
- Spatially (locally, whole world)
- Across political scales
  - Ohio has been accepting PA waste in their injection wells. They don't want it any longer. Approximately 30% of PA fracking waste is coming to NY. In NY, PA solid toxic & radioactive frack waste is being hauled to landfills. (56)
- Across time

# Inadequate public participation

- Procedural justice (existing public participation opportunities are inadequate)
  - I have a concern that these companies are “allowed” to just move onto a location near established residents and begin their process without any regard, consultation, or compensation to the nearby residents, that do not own any of the mineral rights but are HIGHLY affected. (74)
- Polarization of public opinion



# Summary: 6 areas of concerns about governance

- Corporate culture and practice
- Regulatory shortcomings
- Inadequacy of information
- Unfairness in legal systems/regimes
- Distributive/environmental justice
- Inadequate public participation

# Underlying risk governance themes

1. **Science** – insufficient level of scientific understanding of risks to make well-informed decisions; lack of transparency in formulation and dissemination of new knowledge.
2. **Trust** – people do not trust institutions will protect people/environment from shale gas development risks.
3. **Justice** – distribution of risks and benefits, as it relates to individuals, communities, world nations, and future generations.