

The (Missing) Link Between Fracing and Earthquakes: The Texas Railroad Commission Weighs In

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It's no secret that hydraulic fracturing is squarely within the crosshairs of environmental crusaders and other activist groups across the nation. Be they tall tales of **kitchen sinks transformed into miniature flamethrowers** or fanciful claims that trace cancer to fracing chemicals, the many scandalous fictions about hydraulic fracturing remain a thorn in the side of the energy industry. The Texas Railroad Commission—the regulatory body governing the oil-and-gas business in our state—has recently made it clear that it will not be persuaded by junk science or other tenuous evidence of an ostensible causal link between fracing operations and “seismic activity” (or, if you prefer, **earthquakes**).

Prompted by **a report from Southern Methodist University** suggesting that injection wells in the Barnett Shale were the culprits behind seismic activity in the area, the Commission had ordered XTO Energy and EnerVest Operating to explain why they should be allowed to continue drilling in North Texas. Earlier this month, after conducting a series of administrative hearings throughout the summer, the Commission determined that there exists no conclusive relationship between injection wells and earthquakes. In reaching this conclusion, the Commission apparently credited competing studies presented by XTO and EnerVest, which found that the seismic activity in the Barnett was caused by natural forces originating at depths below those of XTO's and EnerVest's disposal wells. While “[t]he [Southern Methodist] study is a commendable first-order study that posits the plausibility of injection-induced seismicity in these cases,” according to Paul Dubois, a technical examiner for the Railroad Commission, Mr. Dubois ultimately advised the three members of the Commission that the correlation cited by university researchers was too attenuated to show cause.

Railroad Commissioner Ryan Sitton has announced that the agency will nevertheless continue to study the issue; to this end, the Commission has retained a seismologist to conduct further research and analysis. Some might be tempted to conclude that the Commission is thereby lending credence to the allegations that fracing is responsible for seismic events. The more principled take-away, in this author's view, is that the Commission—by hiring an independent expert in the field—can avoid any appearance of industry partiality while simultaneously insisting that agency action will come only upon reliable proof of a causal connection between fracing and earthquakes.

Related Attorneys

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