

Sally Jewell
U.S. Department of the Interior
Director (630), Bureau of Land Management
Mail Stop 2134 LM
1849 C St. NW., Washington, DC 20240
Attention: 1004-AE26

RE: Executive Summary of SkyTruth Comment on BLM Proposed Rule – Oil and Gas:
Hydraulic Fracturing on Federal and Indian Lands

Attachments: (1) SkyTruth-fracking-rule-comments-20aug13.pdf

Ms. Jewell and to whom it may concern:

The US Bureau of Land Management's (BLM) revised proposed rule on oil and gas drilling operations on public lands throughout the Nation contains inadequate standards for public disclosure of chemicals used in hydraulic fracturing. This rule will govern drilling and hydraulic fracturing operations at potentially tens of thousands of gas and oil wells across millions of acres of public land in coming years, yet does not live up to the standards set by this administration for open data and public transparency.

My name is John Amos; I am a geologist, and the founder and President of SkyTruth, a non-profit corporation based in West Virginia that uses satellite and aerial images, digital mapping, data analysis and digital graphics to investigate and illustrate environmental issues and incidents. Our staff has expertise in the areas of remote sensing, image processing and analysis, GIS and digital mapping, database management, and software design and programming. We analyze satellite and aerial imagery, and we build and maintain large datasets acquired from state and federal government agencies to analyze environmental conditions. These datasets describe permitting and drilling activity on public and private lands, oil and hazardous materials spill reports, and other information of interest to the public. Over the past year, with considerable effort, we've been collecting data related to hydraulic fracturing operations nationwide, primarily through a website called FracFocus that is operated by an industry-supported, non-governmental entity.

We conclude that this rule is fundamentally flawed because it approves use of the FracFocus website to satisfy the growing public call for transparency regarding the chemicals used. FracFocus does not make the chemical disclosure data available to the public in a machine-readable format. This clearly violates both the spirit and the letter of the President's May 9, 2013 Executive Order entitled Making Open and Machine Readable the New Default for Government Information. For this reason alone, the proposed rule cannot proceed to a final rulemaking without significant revision.

Additional, substantive problems with relying on the FracFocus platform, including excessive and unrestrained use of the trade-secret exemption, are detailed in our attached comment, along with our recommendations for addressing these problems. We believe

these additional problems compel Interior to take responsibility for curating and publishing the information and data pertaining to hydraulic fracturing operations on public lands. We believe this could be done without replacing FracFocus as the platform for collecting disclosure reports from industry, avoiding the undesirable outcome of requiring operators to submit multiple, redundant reports.

To resolve these shortcomings, we recommend that Interior incorporate at least one of the following mechanisms for disclosure into the proposed rule:

Minimum - Publish the entire collection in a simple standard text format (such as CSV) that can be imported directly into a spreadsheet or database.

Better - Provide a way to bulk-download the disclosure data, in machine-readable format, through a search query.

Best - Automatically re-publish FracFocus disclosure data to Data.gov (a web portal providing public access to Federal government datasets) or a similar Open Data Initiative-compliant publication portal.

Based on our experience, an effective platform for the public disclosure of the chemicals used in hydraulic fracturing operations should, at a minimum:

- **Enable the bulk download of data in a machine-readable (not PDF) format.**
- **Impose no intellectual property restrictions.**
- **Designate an official legal reference copy of all chemical disclosure reports.**
- **Identify an official publication date for all chemical disclosure reports.**
- **Incorporate a document change management system to clearly identify additions or revisions.**

In our full comment (attached) we provide more detail on the shortcomings of the current rule, the need for our proposed modifications, and references supporting our conclusions. Thank you for your careful consideration of these comments. I would welcome any questions from you or your staff.