

By: Keffer

H.R. No. 2853

R E S O L U T I O N

1           WHEREAS, Texas has always maintained primary authority over  
2 and regulation of oil and natural gas production, including a  
3 completion technique known as hydraulic fracturing, and the other  
4 49 states have maintained similar province over such production  
5 within their borders; and

6           WHEREAS, Hydraulic fracturing has been a common operation for  
7 decades, and it is used in exploration and production by the oil and  
8 gas industry in all the member states of the Interstate Oil and Gas  
9 Compact Commission without groundwater contamination;  
10 approximately 35,000 wells are hydraulically fractured annually in  
11 the United States and close to 1 million wells have been  
12 hydraulically fractured in the United States since the inception of  
13 the technique, with no known case of groundwater contamination; and

14           WHEREAS, The U.S. Bureau of Land Management has proposed a  
15 rule that would force an unnecessary, one-size-fits-all regulatory  
16 regime on top of carefully crafted, individualized programs  
17 designed by the states, but the bureau is unable to point to any  
18 incidents, examples, or data justifying the rule; such rulemaking  
19 in the absence of any incidents, examples, or data is in apparent  
20 violation of legal and procedural requirements designed to ensure  
21 that costs and other adverse effects are fully and carefully  
22 weighed against benefits; and

23           WHEREAS, The bureau's proposal is arbitrary and capricious in  
24 nature, as evidenced by the lack of justification and by erroneous

1 cost estimates and clearly overstated and unfounded benefits; the  
2 states will suffer from this rule, both by increased costs to their  
3 citizens and by the loss of substantial royalty revenues from  
4 federal lands as exploration and production companies divert  
5 investment to state and private land in lieu of federal land; and

6       WHEREAS, In recognizing the importance of protecting our  
7 nation's underground water resources, the member states of the  
8 Interstate Oil and Gas Compact Commission have adopted  
9 comprehensive laws and regulations governing oil and gas  
10 exploration and production, and they employ highly trained  
11 personnel to effectively enforce them; disclosure tools, such as  
12 the website [www.fracfocus.org](http://www.fracfocus.org), also play an important role in this  
13 effort; and

14       WHEREAS, Domestic production of oil and natural gas will  
15 ensure that the United States continues on the path to energy  
16 independence, and hydraulic fracturing plays a major role in the  
17 development of virtually all unconventional oil and gas resources  
18 and should not be limited in the absence of any evidence that  
19 hydraulic fracturing has resulted in groundwater contamination;  
20 now, therefore, be it

21       RESOLVED, That the House of Representatives of the 83rd Texas  
22 Legislature hereby declare that the Texas Railroad Commission is  
23 the appropriate authority to regulate all oil and gas exploration  
24 and production activities in the State of Texas and that a federal  
25 one-size-fits-all regulatory approach ignores the local and  
26 regional differences among oil and natural gas operations that make  
27 state regulations more adaptive and effective; and, be it further

1           RESOLVED, That the Texas House of Representatives  
2 respectfully urge the United States Department of the Interior to  
3 withdraw the U.S. Bureau of Land Management's proposed rule to  
4 regulate hydraulic fracturing on federal and tribal lands, and to  
5 defer to the states on how best to address any health,  
6 environmental, or safety issues arising from hydraulic fracturing  
7 and related operations on these lands; and, be it further

8           RESOLVED, That the Texas secretary of state forward an  
9 official copy of this resolution to the president of the United  
10 States, to the president of the Senate and the speaker of the House  
11 of Representatives of the United States Congress, to the secretary  
12 of the interior, and to all the members of the Texas delegation to  
13 Congress with the request that this resolution be entered in the  
14 Congressional Record as a memorial to the Congress of the United  
15 States of America.