

Dear Members of the UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises:

We contact you with a growing global human rights concern due to the evolution of socially and environmentally high-risk corporate activity called hydraulic fracturing.

Hydraulic Fracturing, or fracking, is a recent but rapidly evolving industrial process carried out by the oil and gas industry. It consists of drilling into the ground, injecting water, silica, and toxic chemicals deep into layers of rock (shale, tight sands or other hydrocarbon bearing formations) at very high pressure, creating cracks in the geology that release oil and gas trapped in the rock.

Unlike conventional oil and gas operations, fracking employs voluminous quantities of fresh water. It also generates large quantities of liquid toxic waste for which there are no adequate safe disposal facilities. Fracking waste, which can be radioactive, is injected underground at industrial injection wells, which either leak, are back flushed into surface water, or are simply buried into the ground at fracking sites or landfills, all of which generate human and environmental safety risks.

Since concern over fracking operations began to surface around the world over the past decade, over 600 peer-reviewed scientific studies and thousands of journalistic reports have shown that fracking causes significant adverse social and environmental impacts. These include numerous environmental impacts such as water contamination, air pollution, earthquakes, deforestation, contamination of surface and groundwater by fracking chemicals, hydrocarbons, petroleum waste products and radioactive waste, as well as land scarring, and impacts to wildlife areas. Fracking is also responsible for significant social impacts including noise pollution, property value decreases, increased traffic accidents and deaths, rapid industrialization of residential areas, community fragmentation, negative boomtown effects and community fragmentation. Most worrisome are the human health related impacts of fracking, which include very dangerous health related impacts such as respiratory illness, nausea, skin irritations and birth defects.

At the local level, people living near fracking areas report a broad range of adverse health impacts attributable to exposure to fracking chemicals, hydrocarbon and other emissions from fracking drill sites and infrastructure. Fracking chemicals in particular can harm and impair every human system. The US Environmental Protection Agency (EPA) and independent scientists have identified over 1,000 chemical ingredients utilized as fracking fluids, which are injected into the ground. The EPA notes the risks of fracking to health due to potential contamination of waterways, citing "specific instances where one or more mechanisms led to impacts on drinking water resources, including contamination of drinking water wells."

The most notorious documented fracking studies come from the oil and gas industry itself, showing for example, that burst and cracked underground cement pipe casings, which allow fracking fluids and hydrocarbons to contaminate underground sources of drinking water, happen at staggering rates. Five percent of all oil and gas wells leak immediately upon drilling and nearly 60% leak after a 30-year period, according to one well-known oil and gas company's

study of leakage. The Society of Petroleum Engineers recently found that 35% of all oil and gas wells in the world are currently leaking.

Fracking operations rarely engage stakeholders in decisions regarding land-use and the expansion of operations, including into indigenous lands. In some cases, fracking investment decisions are made under secretive negotiations and communities face brutal police repression when trying to engage in investment decisions.

Globally, the cumulative impact of fracking is also profound. Despite industry claims that fracked natural gas will help to address climate change by replacing other CO<sub>2</sub> emitting energies, the inadequacy of technology currently employed in fracking operations emits large quantities of fugitive methane into the atmosphere. Considering that methane gas is approximately 72-100 times more potent as a greenhouse gas than CO<sub>2</sub>, fracking is exacerbating climate change, not mitigating it.

Evidently, fracking impacts place virtually all human rights at risk, including the right to health, the right to water, food, land, property, a healthy environment, self-determination, work, a decent standard of living, and access to information, access to justice, as well as to freedom of expression and participation. Even the very essential and most basic human right to life is at risk from fracking activity.

In view of these risks, many governments, including in Texas, New York, Colorado and Vermont, as well as countries like France, Bulgaria and Germany, have taken a cautious approach to the industry. After lengthy consideration and numerous studies, they have either banned or decided to suspend fracking operations until further information on the social and environmental risks and impacts is available.

Despite risks, other governments have cut corners in developing their energy policy, plans, and investments, failing to consult with stakeholders, including denying consultative and participatory rights to indigenous peoples, while companies have failed in their due diligence procedures to identify, assess and address the human rights dimensions of this industrial activity.

Request to the Working Group:

The purpose of this letter is to bring the issue of fracking to the attention of the UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises, and to call on the Working Group to engage its focus on the potential human rights violations caused by business practices conducting hydraulic fracturing operations. We would like to stress that fracking is of paramount significance to the mandate of the Working Group, given its profound implications to the realization of human rights, including in relation to the State duty to protect, the corporate responsibility to respect, and the rights of victims to access effective remedy.

Fracking operations, including exploration and extraction activities, are on the rise across the globe. As this practice evolves, human rights issues will continue to be at the center of local conflict and debate about its evolution. For this reason, now is the time for the Working Group

to engage, to acquire knowledge about the practice and its human rights implications to understand the risks it poses to human rights, and most importantly, to help guide society to address these impacts before they materialize and to remediate them once they have occurred.

We encourage the Working Group to:

- Adopt a precautionary approach to hydraulic fracturing, and given the already widely available and documented information regarding health and environmental impacts, issue a statement of concern over the potential impacts of hydraulic fracturing operations to human rights;
- Engage with States, academics, the oil and gas sector, human rights organizations and with other interested stakeholder groups, to scope out the relevant human rights issues involved in hydraulic fracturing operations;
- Engage with like-minded partners and seek assistance to develop a white paper on the human rights implications, risks and impacts of hydraulic fracturing;
- Engage with specialists to develop guidance materials for States and for oil and gas companies, to adequately consider human rights impacts and conduct assessments before, during and after any intended or ongoing hydraulic fracturing operations;
- Invite information from stakeholder groups, including alleged individual and community victims of hydraulic fracturing operations to inform the working group as to their concerns over actual, potential or alleged human rights risks and impacts caused to them by hydraulic fracturing operations;

We stand ready to assist you in this endeavor.

Yours Sincerely,

- Yoko Ono
- Mark Ruffalo, Actor, Founder, Water Defense
- Josh Fox, Director, Gasland, Solutions Grassroots
- Paloma Muñoz Quick, Human Rights and Business Advisor
- Jorge Daniel Taillant, Executive Director of the Center for Human Rights and the Environment
- Bill McKibben, [350.org](http://350.org)
- Tim DeChristopher, Climate Disobedience Center
- Dr. Benjamin R. Barber, Senior Research Scholar, The Graduate Center of The City University of New York, Center on Philanthropy and Civil Society
- Kevin Bone, Director | Institute for Sustainable Design, Professor | Irwin S.Chanin School of Architecture, The Cooper Union for the Advancement of Science and Art
- Jenny Lisak Co- director, Pennsylvania Alliance for Clean Water and Air
- John Fenton, Affected Resident, Pavillion Wyoming
- Jeremy Leggett, Social entrepreneur and writer
- Rebecca Roter, PA Shalegas Refugee and Chairperson/ Co-Founder, Breathe Easy Susquehanna County
- Ted Glick, co-founder, Beyond Extreme Energy
- Karen Feridun, Founder, Berks Gas Truth

- Gas Free Seneca. Yvonne Taylor, Vice President.
- Sandra Steingraber, New Yorkers Against Fracking, Author
- Briget Shields Outreach director/Marcellus Protest-Shalefield Stories
- Kari Matsko, Founder, NEOGAP Northeast Ohio Gas Accountability Project
- Ronald L. Kuby, civil rights attorney
- Vera Scroggins, Director, Citizens for Clean Water
- Delaware Riverkeeper Network
- Project on Organizing, Development, Education, and Research (PODER)

C.c.

Inter-American Human Rights Commission

UN Permanent Forum on Indigenous Issues

UN Special Rapporteur on human rights and environment

UN Special Rapporteur on indigenous peoples

UN Special Rapporteur on the human right to safe drinking water and sanitation

UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health