

EDF Testimony – January 22, 2020

Natural Resources and Economic Development & Water and Rural Affairs Committees

My name is Nichole Saunders, Senior Attorney in the Environmental Defense Fund Energy Program.

I'm here to speak briefly with respect to the interim charge regarding future water supplies, and specifically the consideration of oil and gas wastewater in that context.

EDF understands the water scarcity challenges facing many Texas communities and appreciates the efforts of your committees to proactively consider options and solutions for future water supplies. In fact, we are very supportive of efforts to encourage the oil and gas industry to recycle its wastewater for operational use and reduce its reliance on fresh water. However, we believe that extreme care and caution should be taken in assessing the role oil and gas wastewater may play as a "future water supply" outside of industry operations.

This is because at a basic level, there are significant science, data, and regulatory gaps relating to produced water that have real implications for its consideration as a water supply outside of the oil and gas industry. EDF has studied these gaps extensively over the years and today I'd like to share just three illustrative conclusions from a recent analysis we published. Of nearly 1,200 chemicals that have been detected nationally in produced water to-date:

- More than 50% have not been studied – at all – for safety or toxicity;
- About 86% lack the data needed to complete a risk assessment; and
- Less than 25% have standard methods to detect or quantify them in water.

With these very real challenges in mind, the question becomes – how can we define in the near term what it might mean to make produced water "clean enough" for new uses? How can we know with confidence that treatment systems and permitting programs will appropriately address chemicals of concern and protect Texas waters, lands, and communities?

The short answer is that this simply cannot be done *correctly* without more research. EDF believes – and I'm sure that many in this room would agree – that before we incentivize reuse programs that could put our existing resources at risk, serious work should be done to get the science and eventually the regulatory parameters right. If not, promoting or encouraging a fast track transition of oil and gas wastewater to resource could do more harm than good.

EDF looks forward to the opportunity to continue to share our research and perspectives on this important issue during these interim studies. Thank you.