

Lisa Jackson Says Public Pressure Will Clean Up Fracking. Really.

January 23, 2012 by Seth Jaffe

According to <u>E&E News</u>, Lisa Jackson said Friday that public pressure, not EPA regulation, will clean up fracking.

Fracking fluids will get greener, water use will get down, all because the industry, quite frankly, will do it, must do it, and will feel the public pressure -- not the EPA pressure -- to do this in a responsible way.

Does she really mean it? Notwithstanding current pronouncements by the GOP Presidential candidates, neoclassical economics has a clear role for government regulation. If economic activity – such as fracking –



imposes costs on society that are not internalized to the company doing the fracking, then regulation is appropriate. I think that fracking is of net benefit to society, but it certainly appears to impose at least some externalities that have not to date been internalized to the drilling companies. Thus, government regulation seems to be warranted – and logic tells us that those externalities will not be accounted for in the absence of regulation.

If Lisa Jackson believes that fracking's externalities will be eliminated by public pressure, that would truly represent a sea change in the government's view of how environmental problems should be solved. If public pressure is enough to clean fracking, then why wouldn't public pressure be enough to clean toxics from utility air emissions? What distinguishes fracking from all of EPA's regulatory programs? Why do we need EPA at all?

Perhaps the GOP candidates have it right.

© Foley Hoag LLP. All rights reserved. Attorney advertising. Prior results do not guarantee a similar outcome.