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gLAWcal Comment #295

THREE OUTCOMES FOR REGUALT- ING FRACKING FLUID

Based on

**Paolo Davide Farah and Riccardo Tremola-
da" A Comparison between Shale Gas in Chi-
na and Unconventional Fuel Development in
the United States" Brooklyn Journal of In-
ternational Law, Vol. 41, No. 2, 2016.**



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A gLAWcal comment on “Paolo Davide Farah and Riccardo Tremolada” A Comparison between Shale Gas in China and Unconventional Fuel Development in the United States: Water, Environmental Protection, and Sustainable Development” Brooklyn Journal of International Law, Vol. 41, No. 2, 2016.

While not a unique scenario, concern for the environment during resource extraction is heightened during shale gas extraction. This may be for a greater modern societal emphasis that requires considering and balancing both the environment and the effort required to obtain the resource. Hydraulic fracturing requires a large amount of freshwater be used with additives to be effective in resource extraction. As the author notes, there are three outcomes for this fracking fluid: (1) it can be extracted, recycled, and used again; (2) it can be left inside of the shale deposit; or (3) it can be extracted and stored on or off site or treated for other uses. These three potential outcomes present three very different regulatory burdens for those overseeing the fracking industry. While the first outcome is the ideal one, especially in areas in which freshwater resources are scarce, there are still burdens on regulation of the recycling and treatment practices. The chapter suggests that mine drainage from coal extraction could replace the freshwater requirements for fluid. However, it is to be used with caution as the

acceptability of mine drainage may be increased if it has a specific use in another resource extraction industry. It could certainly be effective in the short-term, reducing the mine drainage that ends up in other water sources. But again, it is important to note that it would often be better for regulatory bodies to not give preference to methods of resource extraction that has a measurably negative impact on the environment.

ENERGY



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