



NEW YORK STATE SENATOR

Lea Webb

Senator Webb, Assemblymember Kelles, Advocates to Call on Governor to Sign CO2 Fracking Ban

LEA WEBB May 16, 2024

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Two months after bipartisan passage in the NYS Assembly and Senate, advocates spoke in Albany as part of a week of action calling on the governor to sign the bill into law

The event took place as Governor Hochul attends an international climate change summit at the Vatican in Rome with Pope Francis

Albany, NY - Two months after the Assembly and Senate passed the bill (A8866/ S8357) that bans drilling and fracking for natural gas and oil using carbon dioxide (CO₂), legislators and advocates held an event launching a week of action to pressure Governor Hochul to sign the bill. The simple bill closes a loophole in the state's existing water-based fracking ban to include a prohibition on the fossil fuel industry using carbon dioxide, which poses the same harm to public health and the environment along with other dangers. The Assembly passed the bill with a bipartisan 98-50 vote on March 12 and the Senate passed it with a bipartisan 45-17 vote on March 20.

The press event announced a week of action to call on the governor to sign the bill. Throughout this week and next, organizations are urging their members and the public to call the Governor as well as social media by groups and **celebrities** and culminating with a Climate Action Now **event** with actor & climate activist Tim Guinee.

The event today took place as **Governor Hochul is attending an international climate change summit called "From Climate Crisis to Climate Resilience" at the Vatican in Rome**. A month ago, 115 organizations from across the state **released a letter** to Governor Hochul urging her to swiftly sign the bill. The letter details that most of the same impacts associated with the entire drilling and fracking process occur whether water or CO₂ is used, and scientific research overwhelmingly finds risks and harms associated with these approaches. Drilling and fracking with CO₂ would have the same threats to our water, air, health, and climate as hydraulic fracturing, along with additional dangers.

Senator Lea Webb, Senate bill sponsor, said, "Over a decade ago, New York led the nation by banning high volume hydraulic fracking. We will not go backward and allow an out-of-state company to exploit our climate law so that they can inject carbon dioxide into the shale. This legislation—which passed quickly through both houses with bipartisan support—

simply closes a loophole in the state's existing water-based fracking ban to include a prohibition on the fossil fuel industry using carbon dioxide. I urge Governor Hochul to protect our environment and the public health of our constituents by signing this bill into law."

Assemblymember Kelles, Assembly sponsor, said "New York State wisely prohibited high-volume hydraulic fracturing in 2020, and I'm so proud to say once again the Legislature upheld science and fact to pass the legislation I had the honor to champion to ban the use of pressurized carbon dioxide for gas and oil extraction. But now we need the Governor to sign this bill into law. No matter what substance is used to frack for gas and oil it is still fracking. It will still have severe negative health and environmental consequences only exacerbated by the use of a highly corrosive substance that is known to cause pipeline ruptures and destabilization through acidification and demineralization of the very ground under our feet. There is no conclusive evidence that injected CO2 will stay in the ground but we know it will lead to methane leakage already proven to have significant negative health impacts. Regardless of the substrate you are using to extract methane, you are still extracting from the Marcellus shale and pulling up toxic radioactive materials that are also released into the atmosphere. That's why it's imperative that the governor sign bill A8866 into law immediately and close this dangerous loophole."

Said Senator Liz Krueger, "I am very proud that both houses of the Legislature moved so quickly to make it clear that this insane idea of CO2 fracking should never see the light of day in New York. Fracking is a bad idea, full stop. Injecting incredibly dangerous concentrated CO2 into the ground and hoping to never have to think about it again is like a kid saying they've cleaned their room by shoving it all under the bed. Except what they're shoving under the bed is a toxic gas that can cause mass asphyxiation and literally melt your internal organs. We don't need this ridiculous concept damaging our land, our water, and our

people's health and offering more false solutions to the greatest challenge of our time. I urge Governor Hochul to sign this bill into law."

Said Senator Pete Harckham, "New York's ban on hydrofracking and growing reliance on clean energy sources are two reasons why the state is a national climate protection leader—and will remain so. That's why I support Senator Webb's common-sense legislation to ban carbon dioxide fracking, which is just as reckless and injurious as its water-based precursor. This bill affirms our commitment to protecting our environment while transitioning away from fossil fuel consumption to fight climate change, and I urge the governor to sign it into law."

"Protecting our clean water sources and environment is my main priority as a state legislator. I was a supporter of the original fracking ban as a citizen, and I am proud to be able to support this CO₂ ban as a Senator. The New York State Legislature has taken a decisive step to safeguard the health of New Yorkers and protect the environment by passing this bill. I thank Senator Lea Webb for her leadership on this bill and urge the Governor to sign it," **said Senator Rachel May.**

Assemblymember O'Donnell said, "As the fossil fuel industry finds increasingly invasive ways to skirt around our environmental laws, we must take decisive action. That is why I stand firmly behind this bill to ban CO₂ fracking. The issue of CO₂ fracking transcends mere environmental concerns — it strikes at the heart of our moral responsibilities. We have a profound obligation to future generations to transition towards energy options that are not only safe but sustainable as well. By enacting this legislation, it brings us closer to ensuring a clean and flourishing planet for all."

Julia Walsh, Director of Frack Action, said, "As Governor Hochul participates in a climate change summit, one critical action she can take right now is to sign into law the bill banning

carbon dioxide drilling and fracking. This is vital to protecting our climate as well as our drinking water, air, and public health. The legislature wisely moved quickly to pass this bill to stop the gas industry's cynical ploy to get around our state's fracking ban, and now it's up to Governor Hochul to sign it."

"We know fracking wreaks havoc on our health and environment. That's why, a decade ago, New York led the nation in banning high-volume hydraulic fracking. Now, to circumvent the law, the fossil fuel industry wants to use carbon dioxide to extract natural gas," **said Rich Schrader, Director, New York Government Affairs at NRDC (Natural Resources Defense Council).**

"Carbon dioxide fracking would pose the same threats to our climate, water, and health as hydraulic fracking."

Dr. Bart Schoenfeld, a cardiologist and member of Concerned Health Professionals of NY, said,

"The gas industry's plan to drill and frack using carbon dioxide is reckless and poses significant harm to New York's health, environment, and climate. Signing the bill that the legislature wisely passed to close the loophole in New York's fracking ban is imperative, and we urge Governor Hochul to swiftly do so."

Roger Downs, Conservation Director for the Sierra Club Atlantic Chapter said, "The Sierra Club applauds the NYS Legislature for understanding that this latest gas extraction loophole will most certainly drain limited DEC resources and divert us from our nation leading climate goals unless we close it. It is now time for Governor Hochul to follow suit and protect New Yorkers from this ill-conceived plan that was not anticipated with the original fracking ban, but shares so many of the same disastrous environmental impacts."

Background and evidence of harm: The campaign for a ban on drilling and fracking using CO₂ emerged and has grown rapidly in response to news that the fossil fuel industry is pushing an experimental, dangerous new method of shale gas extraction. Since the fall of 2023, the

gas industry (via a company called “Southern Tier CO2 to Clean Energy Solutions”) has been asking thousands of Southern Tier landowners to lease their land for gas extraction by injecting carbon dioxide into the Marcellus Shale formation. The Marcellus and Utica Shale formations underlie much of the state, and the industry may target the Southern Tier first as a starting point for more areas in the state. Currently, the state’s law banning fracking prohibits the use of high volumes of water to extract the gas. The industry aims to get around the state’s fracking ban by using CO2, but that technique poses many of the same threats to our water, health, and climate.

Most of the same impacts associated with the entire drilling and fracking process apply whether water or CO2 is used, and scientific research overwhelmingly finds risks and harms associated with these approaches. After studying the health and environmental impacts for years, in 2014 New York State concluded that drilling and fracking pose significant risks to people's health, air quality, drinking water, and the environment. Since then, [hundreds more peer-reviewed studies](#) further confirm and extend those findings.

The use of CO2 to try to get around the state's fracking ban does not avoid the dangers and harms associated with the process. For example, as countless scientific studies about drilling and fracking [demonstrate](#), induced fractures are not controllable and could cause the CO2 in addition to heavy metals and naturally occurring radioactivity in the shale to migrate, threatening to contaminate our drinking water. Additionally, high pressure CO2 is itself very dangerous, and ruptured pipelines can result in asphyxiation and convulsions. This was tragically illustrated in Satartia, Mississippi in 2020 when a CO2 pipeline exploded, leading to mass CO2 poisoning that [left 45 people hospitalized](#). Additionally, high pressure CO2 injection underground poses [significant risk of earthquakes, corrosion of well casings, and acidification of groundwater](#).

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Watch:

- [Full Press Conference](#)
 - [Senator Webb's Remarks](#)
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2023-S8357

- Introduced
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 - In Committee Senate
- - On Floor Calendar Assembly
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 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Prohibits well permits from being issued to an applicant that uses carbon dioxide to complete or recomplete natural gas or oil resources

January 22, 2024

Senate Floor Calendar

Sponsored by [Lea Webb](#)

Do you support this bill?