



NEW YORK STATE SENATOR

David Carlucci

Senator Carlucci Introduces Legislation to Suspend Hydrofracking in New York Pending Completion of Wide-Ranging Health Studies

DAVID CARLUCCI March 6, 2013

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ALBANY, NY – In the wake of new studies exposing potential health impacts, Senator David Carlucci (D-Rockland/Westchester) today introduced legislation in the State Senate that would suspend hydrofracking in New York State for a period of 24 months to accommodate three ongoing and major public health studies. The proposal would require the

Commissioner of Health to take these outside, independent studies into consideration. In turn, all scientific data compiled would have to be reviewed before the DEC finalizes and proposes any recommendations relating to the permitting of hydrofracking in the state.

Standing beside Senator Diane Savino (D-Staten Island) of the Independent Democratic Conference, Senator Carlucci stressed that a decision of this magnitude should not be made in a vacuum without all of the facts presented and available to policy makers.

The group of legislators was also joined by 10 statewide environmental organizations, led by the Natural Resources Defense Council, which urged the Legislature to adopt and pass this legislation without delay. Advocates believe that there has not been sufficient data and review of health impacts up throughout this point of time.

Senator David Carlucci (D-Rockland/Westchester) said: “A quick buck is not worth the long-term debt that our children will have to live with if we get this decision wrong. Rushing to judgment without all of the facts is a recipe for a disaster, particularly involving a hydrofracking process that lacks transparency and accountability, and has appeared to pose significant harmful health effects towards populations surrounding the Marcellus Shale. I cannot in good conscience support any measure that does not first fully evaluate all related scientific data, and that is precisely what we are advocating for here today. Let’s get the facts at our disposal before we launch into uncharted territory.”

Horizontal hydraulic fracturing (HVHF), commonly referred to as hydrofracking, involves extracting natural gas from underground shale formation. Typically the process includes the introduction of millions of gallons of fracturing fluid – a mixture of water, proppants and chemicals – under high pressure into a previously drilled wellbore.

Previous studies related to the use of hydrofracking have focused mainly on the environmental impacts. Experts point to numerous examples in which inadequate casing and concrete used to line the walls of the wellbore, as well as poor wastewater management practices, can result in the accidental release of fracturing fluid and methane into surface and groundwater.

Majority Coalition Leader and IDC Leader Jeff Klein (D-Bronx), said: "Before making a decision, we need to ensure that state agencies have the best and most up to date information available. As I've said before, I have serious concerns about the process. These studies will provide the Department of Health with a much clearer sense of whether or not hydrofracking can ever be conducted safely."

The proposed legislation comes at a critical time as the Commissioner of Health conducts his own public health review of what is known as the revised draft supplemental generic draft environmental impact statement, or SGEIS.

On February 12, 2013, the Commissioner of Health had notified the DEC Commissioner that the public health review was ongoing and that he was evaluating the three comprehensive studies of HVHF-related health impacts in conjunction with outside experts. These reports are currently being undertaken at the state and federal level, including:

- A *U.S. EPA* Study entitled, "Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources," which assesses the potential impacts of hydrofracking on drinking water. A final draft report is expected to be released for public comment and peer review in 2014.
- A *Geisinger Health System* study reviewing detailed health histories of hundreds of thousands of patients who live near wells and other facilities producing natural gas from the Marcellus shale formation. Results are expected to be released within the next year.

- A *university-based research study* of HVHF-related health impacts recently announced by researchers from the University of Pennsylvania in collaboration with scientists from Columbia, Johns Hopkins and the University of North Carolina.

The purpose of legislation is to sufficiently assure all New Yorkers that all potential public health impacts posed by the extraction of natural gas through hydrofracking are being considered prior to the finalization of the revised SGEIS. These are sober, judicious and technical reports – conducted outside of New York – that will dive deeper into new scientific data. Senator Carlucci’s legislation will add an additional barrier that will ensure these studies are reviewed in their entirety.

According to the proposed legislation, the DEC Commissioner shall not proceed to finalize and publish the revised SGEIS prior to 1) a 24 month period and 2) the completion of both the EPA and Geisinger Health System studies.

Kate Sinding, Senior Attorney of Natural Resources Defense Council said: "New York is wise not to rush ahead on fracking," said Kate Sinding, Senior Attorney with the Natural Resources Defense Council. "After watching the consequences of fracking-gone-wrong unfold around the country, the state should take the time necessary for completing much needed comprehensive health reviews to better understand the risks of fracking before any decisions are made."

Sarah Eckel, Legislative and Policy Director for Citizens Campaign for the Environment said: "CCE is delighted that Senators Carlucci and Klein are proactive in protecting New Yorkers health and natural resources from the inherent dangers of fracking. The proposed two-year moratorium allows for a critical health study to be completed by New York and for consideration of other on-going health impact studies and the EPA’s critical drinking water study. This time-out moratorium helps ensure that New York’s decision on fracking is truly

guided by science. Ignorance of critical facts on health impacts isn't bliss, it is dangerous. CCE strongly supports this legislation."

Kate Hudson, Watershed Program Director at Riverkeeper said: "Riverkeeper commends Senate leaders for introducing legislation that will ensure the state is able to consider all scientific information on the health effects of fracking developed over the next two years. Critical research is just getting underway that may provide answers we must have before any decision on allowing fracking in New York can be made. Only a decision based on a comprehensive analysis of fracking's public health impacts will begin to fulfill the state's responsibility to protect the health of all New Yorkers."

Ramsay Adams, Executive Director of Catskill Mountainkeeper said: "The environmental and health concerns of a broad array of scientists and doctors cannot be ignored. This bill ensures that the Governor and his health and environment commissioners aren't forced to make a decision on some artificial timeline."

Katherine Nadeau, Water and Natural Resources Program Director of Environmental Advocates of New York said: "We have only one way to protect New Yorkers from fracking's dangers: to prevent disasters before they happen," said Katherine Nadeau, Water & Natural Resource Director at Environmental Advocates of New York. "The bill introduced today would give the state the time it needs to study health impacts and take the steps we need to safeguard our communities."

Roger Downs, Conservation Director for the Sierra Club Atlantic Chapter said: "We commend the IDC and their partners in the Assembly for providing DOH Commissioner Shah with the time he will need to craft an informed decision regarding the true health risks of fracking. In other parts of the US, fracking has been linked to a broad spectrum of health impacts ranging from loss of smell and headaches to serious respiratory illnesses, neuropathies, and

cancers. These unacceptable symptoms of an often unaccountable industry cannot become New York's fate."

Julia Walsh, Executive Director Frack Action said: "We applaud the IDC for their leadership on moving forward a moratorium bill that will ensure critical information from comprehensive health studies is taken into consideration before any decision is made on fracking in New York. The health and safety of New Yorkers is more important than rolling out the red carpet for an industry with a bad track record of jeopardizing the health of Americans."

Larysa Dyrszka MD, retired pediatrician and founding member of Concerned Health Professionals of NY said: "The medical community of New York State has been calling for such an evaluation of all health impacts and all the medical literature, in an assessment that is transparent, comprehensive and inclusive. The people of the state of New York must be assured that all potential public health impacts posed by the extraction of natural gas by means of HVHF are being adequately considered prior to the finalization of the revised SGEIS. This bill does just that."

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