



NEW YORK STATE SENATOR

Jen Metzger

Senator Metzger Introduces Legislation to Codify New York's Fracking Ban on 5-Year Anniversary of Governor's Regulatory Action

JEN METZGER December 17, 2019

| ISSUE: **BAN ON HIGH-VOLUME HYDRAULIC FRACTURING**

S.6906 would:

- Codify New York's fracking ban into State law.
- Reduce our exposure to toxic emissions.
- Include a ban on dangerous gelled propane fracking.

SENATOR JEN METZGER INTRODUCES THE NYS

Today, on the five-year anniversary of New York State's historic commitment to ban fracking, Senator Jen Metzger (SD-42) introduced a new bill (S6906) that permanently bans high-volume hydraulic fracturing and gelled propane fracking in New York. The existing ban on fracking, announced by Governor Cuomo and state health and environmental officials on December 17, 2014, was undertaken as a regulatory action by the NYS Department of

Environmental Conservation. The legislation will give New York's ban on fracking the permanence of law, and includes gelled propane fracking, a new and extremely dangerous process the oil and gas industry is proposing.

Five years after the ban's announcement, more than a thousand additional peer-reviewed scientific studies have been published that overwhelmingly confirm the grave public health and environmental risks and harms of fracking. Drilling and fracking result in water contamination, toxic air pollution, many health impacts, and greenhouse gas emissions that are disastrous for the climate, among other adverse impacts.

Senator Metzger was joined by actor, director, and advocate Mark Ruffalo, singer-songwriter and advocate Natalie Merchant, the bill's co-prime sponsor Senator Liz Krueger (SD-28), and representatives from Sierra Club Atlantic Chapter, Frack Action, Food & Water Watch, Natural Resources Defense Council, and Catskill Mountainkeeper during her announcement.

"The science on the dangers of high-volume hydraulic fracturing is really clear and non-controversial at this point. More than 1,700 studies — triple the number in 2014 — show that Horizontal Drilling and HVHF pose significant and unacceptable risks to New York's drinking water, environment, air quality, climate, and public health," **said Senator Metzger.**

"This proposed legislation demonstrates that we are listening to regional and international experts and New Yorkers who've been raising their voices for years."

"By May of 2015," **said Dr. Kathy Nolan, a member of the Steering Committees of both Concerned Health Professionals of New York and the New York chapter of Physicians for Social Responsibility,** "New York State's Departments of Health and Environmental Conservation had concluded that the significant adverse public health and environmental impacts from high-volume

hydraulic fracturing could not be adequately avoided or minimized. Over the past five years, hundreds of public health and environmental studies have confirmed these conclusions and added specific details to our understanding of the harmful health impacts of the toxic emissions that result from drilling and fracking.”

Dr. Nolan continued, "The ban on fracking protects residents from increases in asthma and other respiratory illnesses, cardiovascular disease, preterm births, low birth weight infants, and possibly also cancers, congenital birth defects, and severe neurological conditions. Codifying New York's forward-looking regulations into permanent law is important and ensures focus on our transition to clean energy. This protects our health and saves lives both directly through reduced exposure to toxic emissions and indirectly by ameliorating climate change, which itself adversely impacts human health."

“Five years ago, Governor Cuomo sent shock waves across the globe by banning fracking in New York. This line in the sand changed the trajectory of our state’s energy policy and led to more ambitious goals, including making New York carbon neutral by 2050,” said Roger Downs, conservation director for the Sierra Club Atlantic Chapter. “While the ban has withstood court challenges and regulatory end-arounds, it is hard to ignore the ephemeral nature of Albany politics and the powerful interests still keen on reversing this historic prohibition. Enshrining the fracking ban in law will ensure that the state can continue to move forward in protecting our air, water and public health, while we build a better renewable energy future. We owe a debt of gratitude to Senator Metzger for introducing this important legislation.”

Singer-songwriter and advocate Natalie Merchant said, "This was an astounding victory for environmental and public health advocates. But from this distance of five years, and all that has transpired in our country since, we realize this ban needs the strength of law to protect it

from the same forces that would work to cause its reversal. The deposits of shale gas have not gone away, nor has the powerful industry that would destroy rural New York to extract it. I applaud Senator Jen Metzger for her prescient action in introducing this bill that would permanently prohibit horizontal drilling and high-volume hydraulic fracturing in our state. The scientific evidence was clear and conclusive in 2014, the arguments against fracking have only grown stronger since. New York needs to pursue the path to a post-fossil fuel future and this bill will help us to continue moving toward that goal."

Senator Krueger said, "We have known for years now that fracking is a dangerous practice that puts people's lives at risk and contributes to the climate emergency. That's why Governor Cuomo took the historic step of protecting New Yorkers by banning fracking in our state. But Americans know from painful experience that what one chief executive decides can be quickly overturned by his successor. We cannot take that risk in New York. By creating a statutory fracking ban, and including gelled propane fracking, we will finally close and bolt the door on this kind of environmental destruction."

Actor, director, and advocate Mark Ruffalo said, "It's time to put New York's historic fracking ban into permanent law. Thanks to Senator Metzger for introducing the ban bill, and to Governor Cuomo for his visionary leadership on this issue five years ago. Now New York is leading the way forward with renewable energy, building the clean energy future that we need."

Julia Walsh, Campaign Director of Frack Action, said, "New York's grassroots anti-fracking movement and Governor Cuomo's historic decision to ban fracking led the nation and the world. Other municipalities, states, and countries followed New York's lead in listening to the science and banning fracking to protect public health, the environment, and the climate. As

we see the oil and gas industry proposing even more dangerous methods of fracking with explosive propane, now's the time to tell them no and never. Thanks to Senator Metzger for introducing this legislation and we look forward to seeing it pass the New York State legislature this session.”

Rich Schrader, NY Legislative Director at the NRDC said, “Every anniversary is an opportunity to reflect on how far we’ve come and how far we can go. Five years ago, Governor Cuomo announced a ban on fracking, a singular victory for New York's environment – which led the way for countless states and municipalities who’ve since followed suit. That momentum has kept pace – with crucial victories, including sustained opposition to the Williams Pipeline and the recent passage of the nation’s strongest climate law. But even still, pipelines continue to threaten our waterways and powerplants still emit dangerous chemicals into our communities. New York must go further by enshrining the fracking ban into law and rejecting new fracked gas infrastructure once and for all.”

Alex Beauchamp, Northeast Region Director at Food & Water Action said, “New York banned fracking five years ago today. Now, New York’s legislature must swiftly pass legislation banning fracking across the state to protect this landmark victory. Fracking is too great a threat to leave up to the whims of politics, we need a legislative ban now.”

A recorded version of the press call announcement can be made available upon request.

Background: On December 17, 2014, Governor Cuomo announced his commitment to ban fracking alongside his commissioners of the state departments of Health and Environmental Conservation. Those departments each conducted multi-year reviews of the science and potential impacts of drilling and fracking and concluded that the process posed significant public health and environmental risks and harms.

As NYS Health Commissioner Dr. Zucker — who conducted the state's review of the health impacts — said, “I asked myself, ‘would I let my family live in a community with fracking? The answer is no.’”

In 2015, the NYS Department of Environmental Conservation completed a six year Supplemental Generic Environmental Impact Statement (SGEIS) process which satisfied the requirements of the State Environmental Quality Review Act (SEQRA) by preparing a study of the high-volume hydraulic fracturing technique. This process identified significant adverse impacts for these anticipated operations that were not considered in the previous 1992 Generic Environmental Impact Statement (GEIS). The conclusions of the SGEIS established the conditions by which high-volume hydraulic fracturing could be allowed or prohibited in New York State.

The summary finds, “In the end, there are no feasible or prudent alternatives that would adequately avoid or minimize adverse environmental impacts and that address the scientific uncertainties and risks to public health from this activity.”

Since then, over 1,000 more studies have served to confirm that drilling and fracking are inherently dangerous and harmful and cannot be done without significant adverse impacts. Pennsylvania, for instance, has suffered from widespread water contamination and public health impacts.

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2019-S6906

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December 13, 2019

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