

## Another Voice / *Hydrofracking* *Industry is already asking for exemptions from rules*

By RONALD FRASER

Risks to human health, drinking water supplies and the environment from one high-volume hydrofracking oil or gas well are hundreds of times greater than from one conventional well. The odds that New York's regulatory system can protect property owners from these new risks are not good. Here is why.

First, as the regulations are written in Albany, industry representatives intent on bending the outcome in their favor will be busy lobbying legislators and regulatory agency personnel.

Second, what happens when tough rules make it through the regulation-writing process? Since regulations to protect human well-being and the environment will cost the oil and gas industry money, the industry will spend what it takes to kill the offending rules. Instead of embracing the standards set in the federal Safe Drinking Water Act, Clean Water Act and Clean Air Act, the oil and gas industry pressured Congress in 2005 to pass the Halliburton Loophole legislation exempting the industry from these laws.

Decades ago the New York Legislature gave all municipalities the legal, home rule authority to use land use controls to ban obnoxious industries, including gas and oil drilling, to protect the health and safety of their citizens. But the drillers, wanting the freedom to drill everywhere and ignore local laws, have asked the state's highest court to declare a New York home-rule loophole

and exempt the oil and gas industry from all existing local land use controls in New York's towns and villages.

Third, the Department of Environmental Conservation in Albany is busy writing the rules to protect property owners. The problem is DEC does not have accurate information of when, where and how drillers have harmed people and property. Why? Because the industry has hidden this information in thousands of private settlements and non-disclosure agreements with harmed property owners. Result: There is no public record of drilling failures upon which DEC can write regulations that will protect New Yorkers.

Fourth, even good regulations are worthless if not enforced. According to a 2012 report by Earthworks, DEC had only 14 well inspectors to track more than 10,000 active old-fashioned oil and gas wells in New York. At least 75 percent of the wells now go uninspected. Gannett News reported in 2011 that DEC estimated it will need 226 more staffers if high-volume hydrofracking gas drilling comes to New York.

Finally, DEC's official mandates – to both promote oil and gas development and, at the same time, to protect the rights of the general public – set up a conflict in the agency. When industry push comes to industry shove, when DEC rules protecting the public get in the way of access to gas and oil, which mandate is most likely to lose out?

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