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Attn: dSGEIS Comments
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-6510

Re: Draft Revised Supplemental Generic Environmental Impact Statement for High-Volume Hydraulic Fracturing

CEC and its members are extremely concerned about New York State's future if High Volume Hydraulic Fracturing moves forward. While we appreciate the opportunity to comment we wish the proposal had received a closed door much earlier. Attached we have provided Part Two of our comments on the SGEIS and Regulations and additional documents. Part One was submitted in December. It is pretty clear that the Gas Industry has had extraordinary and unacceptable influence in the preparation of the Revised Draft Supplemental Environmental Impact Statement and in providing essential information for the environmental analyses contained therein. In the course of our review we have identified dozens of serious problems with the SGEIS, the alternatives, the mitigations, and the regulatory framework. Most importantly neither the Governor nor the DEC have identified the personnel or financial resources to run an appropriate regulatory program. The extent of the limited resources is perhaps best illustrated by the proposed regulation providing for verbal approval of gas drilling. This is essentially permission for industry to ignore the Department altogether. How exactly would the Department ever prove that it did not give verbal approval, when challenged by industry? There is major significance to having written documentation for all major decisions that documents careful review. We hope DEC will remove any reference to verbal approvals.

The Secretary of Energy's Advisory Board Subcommittee "*emphasizes that effective and capable regulation is essential to protect the public interest. The challenges of protecting human health and the environment in light of the anticipated rapid expansion of shale gas production require the joint efforts of state and federal regulators. This means that resources dedicated to oversight of the industry must be sufficient to do the job and that there is adequate regulatory staff at the state and federal level with the technical expertise to issue, inspect, and enforce regulations. Fees, royalty payments and severance taxes are appropriate sources of funds to finance these needed regulatory activities.*" p. 11-12 Footnote- 90 day report.

An invading army often is said to "rape, rob and pillage". Based on our review of relevant documents we believe that the gas industry will be robbing our natural gas resources and raping and pillaging our

environment including our water and air resources, essential to life and future generations. Notably the SGEIS fails to consider that decisions made today will have impacts far into the future, on populations not present to represent themselves in the current debate.

The Precautionary Principle & Hydrofracking: “When an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.”

The Precautionary Principle has been around in our shared wisdom for a very long time, passed down for generations as common sense: “Better safe than sorry”, “A stitch in time saves nine”, “Look before you leap”. The Hippocratic Oath for medical doctors embodies the concept of - “First do no harm.”

The entire field of Public Health, including Disease and Injury prevention, focuses on taking actions to protect the public from harm—preventing harm rather than treating the harm later. Public health is advanced by measures to protect our air and water, and the environment in which we live.

The precautionary principle should serve as a guide to making wise decisions, when there exists some uncertainty. How should the principle be implemented?

- Place the burden of proof on proponents of an activity rather than on victims or potential victims of the activity;
- Require Safer Substitutes and Solutions
- Prohibit the use of persistent, bioaccumulative toxins and other highly toxic chemicals
- Act on Early Warnings
- Require democracy and transparency for decisions affecting health and the environment. Give the public and workers the full right to know and participate
- Take Action to protect communities and workers.

Beyond human health, the health of our natural world also needs protection as future generations will be dependent on the environment we leave them.

The Precautionary Principle is relevant to Hydrofracking.

Hydrofracking is a new technology that involves both vertical and horizontal drilling, massive amounts of freshwater, large quantities of toxic chemicals and the production of waste waters which must be disposed of in a way that does not further harm the environment.

The key issue here is that for New York State we are talking about a new technology or activity. If the NYS DEC used the precautionary principle in making its decision about hydrofracking, it would place the burden of proof on the proponents of the activity, the gas companies, to prove the safety of the entire process and all ancillary activities.

Proving safety would cover a lot of territory, given the record of significant damage and harm in other states that have allowed hydrofracking. While there are many unknowns regarding hydrofracking, there is now an extensive record of acute events, like explosions as well as extensive ecological harm

associated with spills, toxic chemicals, contamination of precious water supplies and waterways, reduction in water availability for other critical uses like agriculture, fires & explosions associated with methane including at storage locations and pipelines, toxic air emissions, climate change impacts, as well as increased earthquake activity.

DEC with its staff of environmental professionals should use science and the accumulated weight of evidence, to decide to ban or prohibit an activity or technology, which has not been proven safe and therefore poses the potential for harm.

Under the Precautionary Principle, Hydrofracking poses significant potential for harm, has caused multiple incidents of significant harm in other states and has not been proven safe. Therefore it should be prohibited in New York State.

We are asking all DEC staff to use their knowledge to prohibit any expansion of gas drilling in the state-- Ask for more information and require industry to prove the safety of their operations.

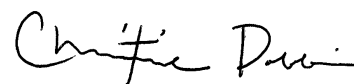
New York State does have environmental laws that specify, *"it is the policy of the State of New York to conserve, improve and protect its natural resources and the environment ... to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations."* We are asking DEC staff to implement the Precautionary Principle by upholding the intent of the state's environmental conservation law. We recommend enforcing the Law rather than allowing the widespread poisoning of the State and New Yorkers.

Thank you for your attention.

Sincerely,



Barbara Warren
Executive Director



Christine Dobbins
Program Associate