



Spring- Summer 2010

Marcellus Gas Drilling: CEC Tells DEC "not good enough!"

In January CEC told the State Department of Environmental Conservation that there were major deficiencies in their analysis of Marcellus Gas Drilling.

The Governor and DEC promised a hard look at the potential environmental impacts of Marcellus Gas Drilling with new horizontal drilling technology that uses very large volumes of hydraulic fracking fluids. Instead, we received a careless, superficial and even dishonest supplemental environmental review to a 1992 generic environmental impact statement. DEC concluded that the new large volumes of drilling fluids were not qualitatively different from those reviewed in 1992. We refused to allow DEC to misrepresent the significance of qualitative versus quantitative impacts saying:

"We agree that the analysis of potential health impacts was far more thorough in the 1992 GEIS, however, that EIS was talking about fracturing water quantities of 20,000-80,000 gallons, not the quantities proposed with the newer technologies. Thus it is deceptive to merely say that the potential environmental impacts could be "proportionally larger" and also say that DOH did not identify any exposure situations that are qualitatively different. As a nurse, I [Barbara Warren] assure you that a lethal dose or exposure is both qualitatively and quantitatively different to the person and family affected, than a smaller dose. While you obviously want to split hairs over the difference between quantitative and qualitative, an EIS is supposed to adequately cover and disclose both kinds of impacts to the public. As a result of the sleight of hand here, neither were covered."

We identified that there was an inherent conflict of interest involved in DEC's reliance on industry documents, but this was inevitable given severe staffing cutbacks at DEC. We said that a project of this magnitude should not move forward without clearly identifying the necessary staffing and budget for adequate regulation of this industry. If DEC didn't have sufficient resources to do a proper EIS, we wondered how DEC could possibly regulate this huge influx of gas drilling activity. However, DEC did no economic analysis to show how drilling fees would support adequate oversight and enforcement activities.

We pointed out that DEC has important obligations under Environmental Conservation Law, the State Environmental Quality Review Act and the public trust doctrine to protect New York's environment from damage. We also cited specific mining regulations that would be violated if DEC moved forward.

As a result of the overall terribly deficient environmental impact statement we recommended that the only way for DEC to proceed would be on a pilot basis only in order to complete the needed analyses of gas drilling. We made detailed recommendations for these pilot studies which could proceed only after the posting of a million dollar bond.

For all comments please visit: www.cectoxic.org/documents/Marcellus.pdf

SAFER Alternatives to Toxic Chemicals are needed!

Nowhere was this more vividly illustrated than in the case of the BP Oil Spill in the Gulf of Mexico. Over 500,000 gallons of dispersants have been pumped into the Gulf to try to deal with the massive oil spill. But BP chose to use one of the more toxic dispersants, that was also less effective. Apparently the safer and more effective dispersant was made by another company, and profits would not accrue to BP and its friends in the oil industry.

We need Reform because the SAFER alternatives should always be used.

The President's Cancer Panel Released Groundbreaking Report in May Regarding: Toxic Chemical Exposures and Cancer Burden

In a letter to the President Obama, his Cancer Panel said the following:

"In 2009 1.5 million men, women and children were diagnosed with cancer and 562,000 died, from the disease." Praising the administration's commitment to the reform of toxic chemical regulation, the panel noted there is much more work to be done. "The Panel was particularly concerned to find that the true burden of environmentally induced cancer has been grossly underestimated. With nearly 80,000 chemicals on the market in the United States, many of which are used by millions of Americans in their daily lives and are un-or understudied and largely unregulated, exposure to potential environmental carcinogens is widespread."

The public remains unaware of many common environmental carcinogens and that children are far more vulnerable to environmental toxins. "Efforts to inform the public of such harmful exposures and how to prevent them must be increased. All levels of government from federal to local, must work to protect every American from needless disease through rigorous regulation of environmental pollutants."

Environmental exposures increase the national cancer burden and the grievous harm from this group of carcinogens has not been addressed adequately by the National Cancer Program. "The American people- even before they are born -are bombarded continually with myriad combinations of these dangerous exposures. The Panel urges you most strongly to use the power of your office to remove the carcinogens and other toxins from our food, water, and air that needlessly increase health care costs, cripple our Nation's productivity, and devastate American lives."

LaSalle D. Leffall, Jr., M.D., F.A.C.S., Chair
Howard University College of Medicine

Margaret L. Kripke, Ph.D.
The University of Texas



For Full Report go to:

http://deainfo.nci.nih.gov/advisory/pcp/pcp08-09rpt/PCP_Report_08-09_508.pdf

New Yorkers for Zero Waste Platform 2010

The N.Y.S. Department of Environmental Conservation (DEC) has prepared a new State Solid Waste Plan that recognizes that materials in our waste stream are valuable and need to be preserved. We strongly endorse its preference for waste reduction, reuse, recycling and composting over disposal. The less waste we dispose of the more environmental, economic and social benefits that we will enjoy.

Unfortunately, millions of tons of garbage are still being wasted through disposal in landfills or incinerators. The DEC estimates New York's recycling rate to be only 20%, far short of the 50% reduction and recycling goal that was to be met by 1997 under the State Solid Waste Management Act of 1988. A large portion of waste headed for disposal is recyclable (50%) or compostable (30%).

To achieve the goals of the Plan, we must stop trashing our resources through disposal!

- Incinerators emit toxic air emissions and produce toxic incinerator ash that needs landfilling. They also emit more CO₂ than coal burning plants per MWh. Incinerators must have burnable materials and therefore compete with recycling.
- Recycling saves 4-5 times the energy an incinerator recovers.¹ Incineration is not renewable energy.

To address climate change we must address waste in our society!

- For every trash bag we put at the curb, 70 bags of trash were generated by industry to make the products we buy. The production of products and packaging is associated with 44% of all greenhouse gas emissions.²
- Biodegradable materials in landfills emit methane, a gas that has 72 times the global warming potential of CO₂, over a 20 year period.³ Landfill gas collection systems capture only about 20% of landfill gas.⁴
- The best strategy is to divert biodegradable organic material away from landfills and incinerators to composting. Compost provides nutrients for healthy soils and plants.

Burning and burying garbage wastes money, energy, and natural resources; it contributes to climate change and places an unfair pollution and health burden on nearby communities. Diversion saves energy and resources, and creates many more jobs in collection, processing, reuse of goods and remanufacturing of materials.

Maximizing waste reduction and diversion will dramatically decrease waste sent for disposal over time by 70%, 80%, 90% and more, enabling New York to achieve the significant benefits of a more sustainable system. The ultimate goal should be Zero Waste being sent to Disposal or very close to it.



We call on the Governor, the NYS DEC and the NY State Legislature to support a new, sustainable direction for reducing waste, recovering resources and growing jobs as well as obtaining other benefits for New Yorkers by doing the following:

- Establish a moratorium on construction of all new waste incinerators or combustors as well as expansions of existing incinerators. This would include newer, commercially unproven thermal technologies such as gasification, pyrolysis and plasma arc.
- Ban waste haulers and municipalities from sending recyclable materials for disposal, and instead require recyclables to be source separated and transported to recycling processing facilities.
- Halt all increases in capacity at the state's largest landfills.
- Require all local solid waste planning units and haulers sending garbage for disposal to demonstrate the presence of adequate programs of waste reduction, recycling and composting in the service area.
- Rapidly implement organics collection programs and develop the needed composting and anaerobic digestion infrastructure. Ban yard trimmings from disposal now and ensure the ban's enforcement. Establish a statewide ban on the disposal of food scraps by 2013.
- Require all communities to adopt incentive/disincentive programs, such as Pay-As-You-Throw, which are proven to increase diversion rates.

- Adopt Extended Producer Responsibility (EPR) legislation (also known as product stewardship) to engage manufacturers and importers in the design of products and packaging to reduce waste and toxicity and remove the burden from government and taxpayers. Producers of products and packaging must be part of the solution. Ten to fifteen percent of the waste stream should be reduced through EPR measures.
- Regulate solid waste generated by all sectors – residential, commercial, institutional and industrial. Bring waste haulers and transporters under the jurisdiction of the DEC through licensing, requiring reporting of all waste and recyclable collections and disposal, and providing for oversight and compliance.
- Require local solid waste planning units to prepare implementation plans that increase waste reduction and diversion and decrease disposal. State and local plans must decrease disposal by 50% by 2015, and 85% by 2020 for all waste streams. The implementation plans must be enforceable by DEC.
- Ensure accurate measurements of diversion and waste quantities in order to measure progress toward goals. Plan to reassess goals and progress and adjust programs under a revised 2020 statewide plan.
- Ensure that Zero Waste Programs and their greenhouse gas benefits become a substantial part of the new state Climate Action Plan and its implementation.
- Establish a secure funding stream to fund more sustainable solid waste programs over the long term and achieve job benefits and needed greenhouse gas emission reductions. Licensing fees, facility permit fees and surcharges on disposal should all be used to provide dedicated funding. A surcharge of at least \$20 per ton of MSW generated could provide \$5 per ton to the state for solid waste activities and \$15 to local planning units to support needed recycling and composting facilities as well as educational programs.

To support this platform or for more information, contact:
Barbara Warren, NY Zero Waste Alliance, project of
Citizens Environmental Coalition, warrenba@msn.com or
845-754-7951/ 518-462-5527.

Organizational Supporters Listed Below:

New York Statewide Organizations

Atlantic States Legal Foundation
Citizens' Environmental Coalition
Clean New York
Clearwater
Environmental Advocates of New York
New York Public Interest Research Group
Sierra Club Atlantic Chapter



Local and Regional Organizations

Capital District Branch of the New York Apollo Alliance
Concerned Citizens of Seneca County, Inc.
Concerned Citizens of Cattaraugus County
Finger Lakes Citizen's for the Environment
Finger Lakes Zero Waste Coalition, Inc.
Freshwater Future
Greenwich Citizens Committee, Inc.
Jamesville Positive Action Committee
NYC Apollo Alliance
People's Environmental Network of NY
Residents For the Preservation of Lowman and Chemung (RFPLC, Inc)
Save the Pine Bush
Selkirk, Coeymans, Ravena Against Pollution (SCRAP)
Sure We Can
Sustainable South Bronx
The Solidarity Committee of the Capital District
Village Independent Democrats

National

American Environmental Health Studies Project
Center for Health, Environment & Justice
Institute for Local Self-Reliance

¹ EPA's WARM Model.

² A recent EPA report found that non-food products are associated with 37 percent of U.S. greenhouse gas emissions. Joshua Stolaroff, PhD worked on the EPA report and subsequently extended the analysis to include products produced abroad and consumed in the US. This white paper states total GHG emissions of products and packaging is 44%. Both reports can be accessed at www.productpolicy.org

³ IPCC, 4th Assessment Report.

⁴ Ibid., Working Group III, Mitigation, 10.4.2.