

This month, the NYS Department of Environmental Conservation (DEC) finished its second public comment period for the Supplemental Generic Environmental Impact Statement (SGEIS) on the controversial natural gas extraction technique high volume horizontal hydraulic fracturing. **Unfortunately, the proposed environmental protections are still deficient and must be addressed by the Legislature.**

## THE BUDGET AND HYDRO-FRACKING

The Governor did not propose any funding for fracking in his 2012 executive budget proposal, signaling his interest in going slow for now. But ultimately the budget process will be key to deciding the fate of fracking in the coming year. The State Legislature must commit to keeping fracking out of the final budget, in line with the Governor's proposal.

**Our Ask:** Ask legislators to pledge to keep the 2012-2013 budget frack-free.

## LEGISLATIVE INITIATIVES

The final findings of the DEC's investigation will have a profound impact on New York's Environmental resources, but the DEC cannot protect NY's environment from deep shale development through the dSGEIS alone. Many necessary actions relating to prohibition, mitigation and regulation will require additional legislation. Please co-sponsor and help advance these important legislative initiatives.

### Clarify Local Control over Oil and Gas Development

**About the bill:** This bill clarifies that local governments retain the right to enact and enforce zoning laws within their jurisdiction when confronted with the negative impacts from oil and gas development. The burden of oil and gas development is an unfunded mandate on upstate communities if they are not allowed to use the most basic land-use planning tools to protect unique local assets. This bill passed the Assembly in 2011.

**Our Ask:** Legislators should sign on as co-sponsors and speak with leadership to bring the bills to the floor this session.

### Hydraulic Fracturing Prohibition Bill

**About the Bill:** This bill would prohibit the issuance of permits for all oil and gas wells that employ the extraction technique hydraulic fracturing. This bill also prohibits the disposal of drilling wastes in New York State's publicly owned treatment.

**Our Ask:** Legislators should cosponsor the bill and speak with leadership to bring the bill to the floor this session.

### Public Health Analysis

**About the Issue:** The dSGEIS downplays the significance of public health concerns from drilling claiming that the DEC will only conduct health risk assessments on a case-by-case basis after a contamination event has occurred. With new information coming to light on chemical exposure pathways and the myriad of effects they can have on human health, it is entirely appropriate for the legislature to listen to expert testimony from health professionals and make informed decisions to protect all New Yorkers. The legislature must direct the State to conduct a thorough health impacts analysis to determine fracking's impacts and ensure that no permits are issued until an analysis has been conducted.

**Our Ask:** Legislators should be aware of the issue and reach out to the Health Committee chair in their house. They should sign on as cosponsors once a bill is introduced.

### **Close the Hazardous Waste Loophole for the Disposal of Drilling Fluids**

**About the bill:** Even though fracking chemicals arrive at the drilling site as regulated hazardous materials, federal and state exemptions allow drillers to treat the same drilling wastes leaving the site as standard industrial waste. This bill will update current law and regulations so that all resulting waste from natural gas drilling which meets the definition of hazardous waste is subject to all hazardous waste generation, transportation, treatment, storage and disposal laws and regulations. This bill passed the Assembly in 2011.

**Our Ask:** Legislators should cosponsor the bill and speak with leadership to bring the bills to the floor this session.

### **Hydrofracking Permit Suspension (Moratorium) Bill**

**About the Bill:** The bill would suspend the issuance of permits for hydrofracking in low-permeability shale formations until June 1, 2013.

**Our Ask:** Legislators should sign on as cosponsors and speak with leadership to bring the bill to the floor this session.

### **New York Solar Industry Development and Jobs Act of 2012**

**About the Bill:** This bill will enable the rapid and sustainable development of a robust solar power industry in New York State, creating a scalable, diverse and competitive solar energy market. The program includes targets to achieve at least 5,000 megawatts (MW) of solar PV capacity in the state by 2025, with interim targets of at least 500 MW by 2015 and 1,500 MW by 2020.

**Our Ask:** Legislators should sign on as cosponsors and speak with leadership to bring the bill to the floor this session.