

CAROLYN B. MALONEY
14TH DISTRICT, NEW YORK

2332 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3214
(202) 225-7944

COMMITTEES:
FINANCIAL SERVICES

OVERSIGHT AND
GOVERNMENT REFORM

JOINT ECONOMIC COMMITTEE



Congress of the United States

House of Representatives

Washington, DC 20515-3214

TESTIMONY OF CONGRESSWOMAN CAROLYN B. MALONEY
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DISTRICT OFFICES:

1651 THIRD AVENUE
SUITE 311
NEW YORK, NY 10128
(212) 860-0606

21-77 31ST STREET
ASTORIA, NY 11105
(718) 932-1804

WEBSITE: <http://maloney.house.gov>

I would like to thank the State Department of Environmental Conservation for allowing me to present testimony today. While I am pleased that the State has moved to protect the New York City watershed and other areas from the natural gas extraction process commonly referred to as "fracking", I believe that the Department of Environmental Conservation (DEC) should not be rushing to approve this method of gas extraction in any area of New York State.

There is still much we do not understand about the impact of fracking on the environment, but what we do know suggests that the risks far outweigh the benefits. Ninety-eight percent of the fluid used to create the fissures is water; however, the balance of the fracking fluid is a collection of highly poisonous chemicals -- a deadly cocktail whose contents is considered proprietary and therefore not reviewable by regulators or disclosed to the public. Just last week on November 23, 2011, the US Environmental Protection Agency (EPA) partially granted a petition under the Toxic Substances Control Act (TSCA) to "obtain data on chemical substances and mixtures used in hydraulic fracturing." It would make sense for the State to wait until this process is completed and more data is available regarding the health and safety impacts of fracking. This announcement follows the EPA's decision in October that it would develop standards for treatment of fracking wastewater discharges.

What we already know about fracking suggests that when it goes wrong, the impacts are significant and lasting. Fracking requires millions of gallons of water. The water is contaminated by the toxic chemicals required by the fracking process and, once used, the fracking fluid becomes wastewater that needs to be contained. Currently there is no process mandated for containment, storage or treatment of this fluid. Elsewhere in the country, poor management of this wastewater has resulted in the contamination of private wells and municipal drinking water. Generally, wastewater is transported to treatment plants, and the EPA has determined that many of these treatment plants "are not properly equipped to treat this type of wastewater." Two weeks ago an EPA study determined that an aquifer in Pavillion, Wyo, the site of significant fracking activity, contained several cancer-causing compounds, and at least one chemical -- 2-Butoxyethanol -- that is commonly used in fracking fluids. We need to protect our aquifers from this toxic fluid. I understand that appropriate regulation of the fracking process and disposal of the wastewater would be labor intensive and would require the hiring of

hundreds of new inspectors at DEC, which would impose a heavy burden on taxpayers unless the industry is required to pay for the new hires.

Proponents argue that natural gas burns cleaner than other commercially viable fossil fuels; however, the environmental benefits are illusory because of the toxicity of the fracking process. Fracking creates fissures in rock and drives methane gas to the surface. The goal of fracking is to capture the methane, but some of it inevitably finds its own path and bubbles up to the surface where it is released into the air or into local streams and water sources. Methane is not only a potential contaminant in drinking water, it is also 12 to 25% more potent as a greenhouse gas than carbon-dioxide. This is not the clean alternative to oil as is being billed.

I note that while the watershed would be protected, the tunnels that bring water to New York City would run through unprotected areas and there is concern that there is not a wide enough buffer to protect the tunnels. New York State proposes a site specific review for drilling within 1,000 feet of the tunnel. That's not sufficient. There should be an absolute bar to drilling within the buffer -- and 1,000 feet is woefully inadequate. Environmentalists tell that fracking creates fractures that extend as far as seven miles out and 6,000 feet down through the earth. Accordingly, the buffer must be at least seven miles from New York City's tunnels. The cost to New York taxpayers of an error would far outweigh any benefits from allowing fracking to take place within that area. Further, I am told that the fracking process can create small earthquakes, and many of New York's dams are near places that are not protected. If the dams are affected by the fracking process, it could have an impact on New York City's drinking water. The buffer needs to be widened to protect New York's dams.

Finally, the economic benefits of fracking are illusory. While the extraction companies stand to book huge profits, the benefits to New Yorkers are exaggerated. Those landowners who do not sell drilling rights to the natural gas companies will not see economic gains only diminished property values. Property owners will feel coercive pressure to sell at bargain basement prices lest they see their property damaged or contaminated by drilling adjacent to their land. Further, fracking will hurt eco-tourism and cost jobs in the recreation industry.

We should not wait for upstate wells to start exploding, as one did in Pennsylvania, before saying: don't place New Yorkers at risk. We do not want a Dunkard Creek in our state. The natural gas that would be extracted through fracking has been trapped in situ, thousands of feet below the surface, for millions of years; it can certainly wait for the science to determine the long-term health effects associated with the process. For these reasons, I strongly oppose opening New York State to fracking at this time. I particularly urge the State to delay any action until the EPA concludes its work on wastewater disposal and developing standards for regulating the toxic chemicals used in fracking.