



Hands Across the Border
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January 10, 2013

To:

Robert K. Sweeney, Member of Assembly
Chair, Committee on Environmental Conservation

Richard N. Gottfried, Member of Assembly
Chair, Committee on Health

Charles D. Lavine, Member of Assembly
Chair, Assembly Administrative Regulation Review Commission

Re: The DEC's Proposed High-Volume Hydraulic Fracturing regulations

I'm Suzannah Glidden, an environmental advocate representing Hands Across the Border in North Salem, NY.

Chairmen Sweeney, Gottfried and Levine, thank you for holding this hearing, and Assemblymembers Lifton and Kavanagh, thank you for your leadership in this long review. We support your calling upon the administration to suspend the public comment period of these premature Regulations until all studies and analyses of fracking have been provided (we concur with attorney Jim Bacon's suggestion earlier to use your subpoena power to get them) and until the health impact review is completed and published, but that has to first include transparency and public participation and be a full, fair and scientific health review.

250 health professionals vociferously requested a legitimate, official Health Impact Assessment but were irresponsibly denied. Once it's obtained, if the DOH health review is as grossly inadequate and biased towards industry as the SGEIS, a comprehensive HIA should be executed in its place which the legislature or a lawsuit must bring to pass. An acceptable health assessment must take place with public participation before a Final SGEIS or Rulemaking are issued.

Additionally, the present revised SGEIS fails to address essential elements such as cumulative impacts, radioactive waste disposal, defining frack waste as hazardous, peer-reviewed scientific studies, negative costs in a cost/benefit analysis of an expanded economic study, and other key issues submitted in comments by the public that have

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imperative relevance upon any health impacts review. You can't segment SEQRA. A re-opened, complete, fair, and scientific SGEIS must be forced to happen with hearings and comment period followed by issuance of a Final SGEIS and Findings, after which the issuance of draft Regulations will have merit.

The arbitrary and capricious manner in which the Regulations have instead been issued invites lawsuits...at great cost to grassroots activists but a cost we will endure to defend ourselves and our State's natural resources if the Senate, hence the legislature, will not.

In the upcoming governor's budget, we call upon you to make sure that not a penny is funded to the DEC Division of Mineral Resources until fair and comprehensive environmental and health reviews of fracking are completed with all key elements addressed and Finalized with Rules issued thereafter to the public's satisfaction.

If the governor refuses to halt the reckless, inadequate, improper and scandalously pro-drilling regulatory march he is on, we call upon each of you as legislators to either stop and redirect it in an appropriate process or as individuals to participate with us as interveners or amicus parties in lawsuits that must be brought, or institute your own. Croton Watershed Clean Water Coalition is suing to prevent NY State Forests from being fracked having won round one that prevents surface drilling but faces round two to prevent subsurface drilling. Community Environmental Defense Council lays out the illegal and unconstitutional grounds of the issuance of these Regulations. A suit is underway in Painted Post to prevent extreme water withdrawal from the Chemung River for Pennsylvania fracking. If immediate legislative action is not forthcoming, other suits are needed to define frack waste as hazardous, against compulsory integration, against non disclosure agreements, and to force SGEIS analysis of cumulative impacts, radioactivity, expanded economics, waste disposal, or the multitudinous other features of this apparent criminal conspiracy we face.

We can no longer allow the status quo of dysfunctional NYS legislative gridlock that fails to protect our lives and natural resources against fracking's rape and ruin. If gridlock cannot be broken quickly by passing Hazardous Waste and Moratorium bills, we count on each of your strong, legal participation with us to keep our State and everything we hold dear protected...our water, land, food, forest, air, health, livestock, pets, biodiversity, ecosystems, property values, State tax base, sustainable industries, economy...our lives. We cannot be colonized and made into a superfund toxic waste dump exempt from federal and State protection.

A governor and his administration's agency heads whose rash behavior blatantly fails to protect public safety and natural resources should, at the earliest opportunity, be removed from office. Thank you for this opportunity to comment.