

Resolution of the Pennsylvania Democratic Party in Support of a Statewide Moratorium on Hydraulic Fracturing Annotated Version

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<p>WHEREAS, a fundamental purpose of government is to protect the health, safety and welfare of the people; and</p>	
<p>WHEREAS, Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania declares: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;" and</p>	<ul style="list-style-type: none"> • On May 18, 1971, Pennsylvania's voters by a four-to-one margin ratified what is now Article I, Section 27 of our state constitution-the Environmental Rights Amendment. • Representative Franklin L. Kury drafted and introduced the legislation became the amendment. • He later wrote, "Under the title "Natural Resources and the Public Estate" this amendment clearly articulated and recast the role of Pennsylvania's government towards the environment. The first sentence declares that every Pennsylvanian has a right to a decent environment. The next two sentences were - in the historical context - even more stunning. They said that, from now on, state government would be the trustee of our natural resources for future generations, rather than a silent accomplice to their exploitation. Thus, I believe, for all time to come, the power of government would be used to protect and preserve our environment."
<p>WHEREAS, in recent years corporations drilling for natural gas and oil within the Commonwealth have employed a drilling technique known as hydraulic fracturing or "fracking" that requires, for each well drilled, the withdrawal of millions of gallons of fresh water from our watersheds, and the injections of thousands of gallons of chemicals into the ground, many of them toxic to humans and animals; and</p>	<ul style="list-style-type: none"> • Fracking is short for High-Volume Slick-Water Horizontal Hydraulic Fracturing, a process that is only a little more than a decade old. The first well using this process was drilled in PA in 2003. • On average, each fracking uses 4.4 million gallons of water. • By the most conservative estimates, PA is second only to Texas in water used for fracking, about 8 billion gallons so far. • 72% of the water used for fracking in PA comes from areas of medium to high stress on water supplies. • One of the greatest concerns with the process is consumptive water use. Those billions of gallons used per fracking (and a well can be fracked as many as 18 times) are gone from the water supply, too contaminated for reuse.

	<ul style="list-style-type: none"> • Much of the contamination comes from the materials released when fracturing causes the shale to rupture, but, by that time, the water has already been contaminated by fracking chemicals, the contents of which are protected from disclosure under the Safe Drinking Water Act thanks to an exemption inserted into the 2005 Energy Bill nicknamed the Halliburton Loophole. It was inserted by then-VP and former Halliburton CEO, Dick Cheney. • Independent testing and some amount of voluntary disclosure has identified over 600 chemicals used in fracking, many that are known carcinogens. <p>TEDX Chemicals Used in Natural Gas Fracturing Operations: Pennsylvania, http://www.pacwa.org/TEDX_Report.pdf</p> <p>McKenzie LM, Witter RZ, Newman, LS, Adgate JL. 2012. Human health risk assessment of air emissions from development of unconventional natural gas resources. Sci Total Environ 424:79-87.</p> <p>Goldstein BD, Kriesky J, Pavliakova B. 2012. Missing from the table: role of the environmental public health community in governmental advisory commissions related to Marcellus Shale drilling. Environ Health Perspect 120: 483-486.</p> <p>Bamberger M, Oswald RE. 2012. Impacts of gas drilling on human and animal health. New Solut 22(1): 51-77.</p> <p>Colborn T, Kwiatkowski C, Schultz K, Bachran M. 2011. Natural gas operations from a public health perspective. Human & Ecological Risk Assessment 17(5):1039-1056.</p> <p>Schmidt CW. 2011. Blind rush? Shale gas boom proceeds amid human health questions. Environ Health Perspect 199:a348-a353.</p> <p>Finkel ML, Law A. 2011. The rush to drill for natural gas: a public health cautionary tale. Am J Public Health 101(5): 784-5.</p>
<p>WHEREAS, multiple scientific studies have documented pollution of the air, water, and land caused by hydraulic fracturing in many Pennsylvania counties; and</p>	<ul style="list-style-type: none"> • A growing body of scientific research has demonstrated the many ways in which fracking is dangerous to our air, water, and land. • Contrary to what the industry would have us believe, there are now numerous studies that demonstrate the many ways in which methane can contaminate the aquifer, groundwater, surface water, air at the surface and climate. • Less is known about the effects of the fracking chemicals since they are protected from disclosure. You can't regulate or seriously study what you don't know. • Radiation is becoming a bigger and bigger issue. Of course, when you open the shale, anything in there will come out. Pennsylvania is known for its highly radioactive shale, something anyone who has heard of radon knows. • A recent study looking at impacts of fracking on regional water quality shows why we don't have a good handle on fracking's impacts. Lead researcher Radisav Vidic from the University of Pittsburgh points

	<p>out, “Well, we also noticed that the density of monitoring sites in Pennsylvania is much lower than the density of wells, which raises the question of our ability to actually pick up [evidence of contamination] with our current monitoring network. If somebody spills millions of gallons [of fracking wastewater], by the time you get down to where you have a gauge, you may not have picked it up at all.”</p> <p>Litovitz A, Cutright AE, Abramzon S, Burger N, Samaras C. 2013. Estimation of regional air-quality damages from Marcellus Shale natural gas extraction in Pennsylvania. Environ Res Lett 8(1): 1-8.</p> <p>Myers T. 2012. Potential contaminant pathways from hydraulically fractured shale to aquifers. Ground Water 50: 872-882.</p> <p>Olaguer, EP. 2012. The potential near-source ozone impacts of upstream oil and gas industry emissions. Journal of the Air & Waste Management Association 62(8): 966-977.</p> <p>Warner NR, Jackson RB, Darrah TH, Osborn SG, Down A, Zhao K, White A, Vengosh A. 2012. Geochemical evidence for possible natural migration of Marcellus Formation brine to shallow aquifers in Pennsylvania. PNAS, in print.</p> <p>Rozell DJ, Reaven SJ. 2011. Water pollution risk associated with natural gas extraction from the Marcellus Shale. Risk Anal 32(8):1-12.</p> <p>Entrekin S, Evans-White M, Johnson B, Hagenbuch E. 2011. Rapid expansion of natural gas development poses a threat to surface waters. Fron Ecol Environ 9(9): 503-511.</p> <p>Osborn SG, Vengosh A, Warner NR, Jackson RB. 2011. Methane contamination of drinking water accompanying gas-well drilling and hydraulic fracturing. PNAS 108(20): 8172-8176.</p> <p>Howarth RW, Santoro R, Ingraffea A. 2011. Methane and the greenhouse-gas footprint of natural gas from shale formations. Climatic Change Letters 106(4): 679-690.</p>
<p>WHEREAS, citizens throughout the Commonwealth have suffered injury to their health and property as a result of poorly-regulated hydraulic fracturing; and</p>	<ul style="list-style-type: none"> • Connecting the dots between industrial activities and health impacts is always a challenge. One person’s rash is another’s respiratory infection and until enough data is gathered and studied, it’s all anecdotal. To make matters worse, some health impacts don’t present for decades. And to make matters even worse, the same chemicals aren’t used from well to well. To make matters nearly impossible, however, the Corbett administration has turned its back on public health. • The version of the Impact Fee bill that passed did not contain the \$2 million dollars allotted for a public health study in earlier versions. • The final version DID include a physician’s gag order that requires medical professionals treating patients who have been exposed to fracking chemicals to sign a non-disclosure agreement in order to learn what chemicals were involved. The physician cannot tell the patient, another physician, or the community what chemicals were used. • Mary Pat Tomei, spokesperson for Daylin Leach, asked a government liaison for Corbett’s new Secretary of Health Michael Wolfe about the DOH’s position on a

	<p>health registry for illnesses related to fracking. "Our stance on the health registry is whatever the Corbett administration's stance is. You're going to have to call the governor's office," she was told.</p> <ul style="list-style-type: none"> • To record what our state government isn't interested in recording, the Pennsylvania Alliance for Clean Air and Water has started compiling the List of the Harmed. • Property owners living within a mile of a gas well in Pennsylvania who get their water from private water wells have seen their property values go down 24%. • Nothing like a water buffalo on the front porch and a methane pipe sticking out of the front yard to destroy a property's value in a hurry. That's what the McKikens and several other families on Paradise Road in Wyalusing discovered. The value of the McKikens' \$250,000 home dropped 85% to only \$35,000. Paradise Road has now been nicknamed Paradise Lost. • According to HUD/FHA, "Operating and abandoned oil and gas wells pose potential hazards to housing, including potential fire, explosion, spray and other pollution. No existing dwelling may be located closer than 300 feet from an active or planned drilling site. Note that this applies to the site boundary, not to the actual well site." • "There are a lot of properties with leases in this area," Lori Rudalavage, owner of LA Mortgage in Clarks Summit, notes. She adds, when it comes down to obtaining a mortgage on those properties, "more and more of [the banks] are saying, 'no, no, no.'" • Last year, Nationwide Insurance became the first company to announce that damage resulting from fracking would not be covered under personal and commercial policies.
<p>WHEREAS, corrosive and toxic waste water or "flowback" water from hydraulic fracturing has overwhelmed wastewater treatment plants in western Pennsylvania and permitted the release of harmful heavy metals, carcinogens, and radioactive elements into the water supply; and</p>	<ul style="list-style-type: none"> • "Regulations Lax as Gas Wells' Tainted Water Hits Rivers" appeared in the <i>New York Times</i> on February 26, 2011. It was the groundbreaking investigative piece that brought fracking waste issues in Pennsylvania into the national spotlight and forced the EPA to act. "But the E.P.A. has not intervened. In fact, federal and state regulators are allowing most sewage treatment plants that accept drilling waste not to test for radioactivity. And most drinking-water intake plants downstream from those sewage treatment plants in Pennsylvania, with the blessing of regulators, have not tested for radioactivity since before 2006, even though the drilling boom began in 2008... The risks are particularly severe in Pennsylvania, which has seen a sharp increase in drilling, with roughly 71,000 active gas wells, up from about 36,000 in 2000. The level of radioactivity in the wastewater has sometimes been hundreds or even thousands of times the

	<p>maximum allowed by the federal standard for drinking water.”</p> <ul style="list-style-type: none"> • Bromides are an increasing concern. On their own, they’re not toxic, but when they meet chlorine used as a disinfectant at wastewater treatment facilities, brominated trihalomethanes, also known as THMs, are formed. THMs are volatile liquid compounds. • Recent studies show high levels of radioactivity in fracking waste and, in fact, frack waste trucks have been setting off radiation alarms at landfills, causing the trucks to be turned away. “The <i>Herald-Standard</i> reports that a geological survey reported that millions of barrels of wastewater from unconventional wells in Pennsylvania and conventional wells in New York are 3,609 times more radioactive than the federal limit for drinking water, and 300 times more radioactive than a Nuclear Regulatory Commission limit for nuclear plant discharges.” • The NRDC’s report, In Fracking’s Wake, looks at handling of fracking waste. “The five most common disposal options for fracking wastewater currently in use are: recycling for additional fracking, treatment and discharge to surface waters, underground injection, storage in open air pits, and spreading on roads for ice or dust control. All of these options present significant risks of harm to public health or the environment. And there are not sufficient rules in place to ensure any of them will not harm people or ecosystems.” • A recent study done by Kent State and Duke University researchers found that fracking uses less water than conventional drilling. “Despite producing less wastewater per unit gas, developing the Marcellus shale has increased the total wastewater generated in the region by approximately 570% since 2004, overwhelming current wastewater disposal infrastructure capacity.”
<p>WHEREAS, the expansion of the natural gas infrastructure, including transmission pipelines, compressor stations, power plants, impoundment pits, drilling rigs, refineries, and thousands of heavy trucks constantly on our roads and highways has industrialized and degraded the environment of many communities; and</p>	<ul style="list-style-type: none"> • No part of Pennsylvania is outside of the drilling region, thanks to the expansion of infrastructure. The section of the Impact Fee bill (Act 13) that sought to strip municipalities of control used the open-ended phrase “drilling-related operations” to represent everything from impoundment pits to pipelines. By the way, the section on the impact fee was not so broad. In order to even qualify for the impact fee, you must have a well or a spud well in your county or municipality. • A story out of Susquehanna County last year made it clear how poorly regulated pipeline systems are. A compressor station went back online without an inspection after an explosion. Why? Because no agency has jurisdiction over gas safety violations at the rural compressor station. A Philadelphia Inquirer

	<p>series the previous year found that “this gap, coupled with a slow response from Pennsylvania, meant that hundreds of miles of high-pressure pipelines had been built with no safety oversight.”</p> <ul style="list-style-type: none"> • Further research is indicated in the wake of a recent study that shows that dairy production was down more significantly in the five most drilled counties in Pennsylvania than in the six adjacent counties where far less drilling was taking place and that the levels dropped more significantly as gas drilling activity increased.
<p>WHEREAS, the Corbett Administration has not only failed to tax the fossil fuel industry in any way commensurate with the costs of the environmental damage the industry is inflicting on the Commonwealth, but has also failed to adequately enforce existing environmental law;</p>	<ul style="list-style-type: none"> • “The state Department of Environmental Protection has rescinded a Marcellus Shale wastewater treatment permit that would have allowed a New Jersey company to spread chemically contaminated salts on roadways, sidewalks and fields statewide. The DEP pulled the permit, issued in August to Integrated Water Technologies Inc., after admitting the required public notice about the permit did not accurately describe the permitted activity and the department hadn't fully considered the impact on the environment.” • Minuteman Environmental Services, a frack waste hauler described last year by Tom Corbett as “an American success story”, was raided by FBI and other law enforcement officials on May 29th. Brian Bolus, Minuteman’s owner, donated \$10,000 to Corbett’s gubernatorial campaign. • Earthworks’ report, Breaking All the Rules, found that “in 2010 Pennsylvania inspectors were unable to monitor more than 82,000 active wells (91% of the state’s active wells). • The report also found that, “although Pennsylvania took the most enforcement actions, the percentage of violations resulting in enforcement action is decreasing in that state as the gas industry expands. In 2008, enforcement action was taken on more than half of the oil and gas violations in Pennsylvania, but by 2011 action was taken on less than a quarter of violations. • According to the report, “Data from Texas and Pennsylvania show that numerous oil and gas operators are repeat violators.” The authors point out that in 2010, Pennsylvania collected a total of about \$1 million in fines, but the average value of one well is \$2.9 million, so the fines are likely regarded as negligible. • The Commonwealth Court called the DEP’s record-keeping sloppy during a Right to Know case last year. Their bad habits contribute to a lack of transparency, something well-known to anyone who has tried to get information out of that agency. Before leaving his post as DEP chief, Michael Krancer sent a letter to a number of organizations who had been asking for responses to a number of questions on water testing procedures for several months. In his letter, written in

April, he stated that there were 25 cases of contaminated water wells as a result of fracking in PA. The Right to Know case last year was settled in favor of the Scranton Times-Tribune's Laura Legere who got the documents she'd been requesting. They were letters of determination from the DEP that, when culled through, revealed 161 cases of contaminated well water as a result of fracking. It is likely that the number is much higher.

- The DEP recently ordered Carrizo to stop drilling operations after [blowout that dumped 200,000 of fracking waste](#) on March 13 in Washington Township, Wyoming County. On April 5th, the DEP allowed the company to resume operations even though their investigation had not been completed. They provided no reason for the decision. On April 30th, a hose on a truck at another Carrizo well got loose and sprayed 9000 gallons of fracking waste into the environment in the same township as the March blowout.
- Michael Krancer was a controversial DEP chief who [told the EPA their](#) understanding of local well contamination issue was rudimentary. "Sometimes they smell like the tail of a dog," [said Krancer of Delaware](#). "And it (the state) is shaped like a dog with a tail. This is the tail wagging the dog." Perhaps his most quote line was, "I'm here to get gas done." He has been replaced by Chris Abruzzo who comes to the job with no environmental background and was appointed to serve as Acting Secretary on a part-time basis.
- Environment America's report, [The Costs of Fracking](#), discusses the many costs of drilling that we will be paying for long after the drillers are gone.
- Homes have exploded, lives have been lost, woodlands have been razed, and the list of impacts goes on and on. We are losing more than we can ever gain.

Correspondence to environmental organizations including Berks Gas Truth.

THEREFORE BE IT RESOLVED that the Democratic Party of Pennsylvania supports a moratorium on the practice of hydraulic fracturing until such time as the practice can be done safely, and further supports requiring full restitution by the natural gas industry for any harm to human life and health, for damage to property, including loss of property value, for harm to water supplies, harm to wildlife, pets and livestock, and harm to the natural environment of the Commonwealth of Pennsylvania.

Sue Lyons – Monroe County
Judy Fiske – Monroe County
Anne Tiracchia – Monroe County
Rosie Skomitz – Berks County
Ron Stouffer – Berks County

Lani Frank – Chester County
ShirleyCurry – Montgomery County
Ruth Damsker – Montgomery County
Karen Bojar – Philadelphia County
John Peeler – Union County