

Legislature Acts As Cuomo Once Again Hits Pause Button on Fracking

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The state Assembly voted yesterday for a 24-month moratorium on hydraulic fracturing, apparently emboldened by Gov. Andrew Cuomo's decision to hold off on allowing the natural gas drilling process in New York state.

In a statement defending the bill, Assembly Speaker Sheldon Silver said a moratorium was necessary to allow for sufficient time to thoroughly study the issue. "We need to better understand the broad impacts to our environment, our economy, and the health and safety of all who work and live in New York before the Department of Environmental Conservation makes its decision," he said.

The Assembly bill also requires a health impact assessment to be carried out using a model recommended by the Centers for Disease Control.

Assemblyman Kevin Cahill of Ulster County lauded the move: "It became evident during our budget hearings that the review currently being done by the New York State Department of Health is inadequate for the protection of New Yorkers. This legislation will create New York-centered studies, taking into account our unique geology and water resources and also capitalize on the experience in other states."

The Independent Oil and Gas Association and the Business Council both issued statements condemning the Assembly's action. "The proposed moratorium on future natural gas development in upstate New York is seriously ill-informed and ignores science and the experience in other states, and demonstrates continued disregard for farmers, landowners and small businesses in the Southern Tier," said IOGA Executive Director Brad Gill.

But opponents of hydraulic fracturing, or fracking, say the gas industry simply doesn't have its heart in the fight because the market demand is not simply there.

"I think the industry is focusing on development in other places," said Kate Sinding of the

Natural Resources Defense Council. "Gas prices are so low that there is just not so much pressure to get into the ground in New York. We are seeing frustration from landowners who are threatening lawsuits but not sure it is practical for the industry right now."

The Independent Senate Democrats, who share control of the chamber with Senate Republicans, also introduced a bill this week in their chamber that would impose a similar 24-month moratorium on hydrofracking but the bill has not come to a vote.

It seems unlikely, however, that the Senate will pass a fracking moratorium, given that Senate Republicans would have to allow the bill to come to a vote and would likely resist such an action; but the move by the IDC, which has been an ally with Cuomo on many issues, is indicative of the political trend.

Silver noted at a news conference today that he has no commitments from the Senate to bring their moratorium to a vote and has no idea whether Cuomo would sign such legislation. However, there is currently no money in the budget allocated to issue fracking permits.

[The Associated Press reported last weekend](#) that Cuomo had been closer than ever to allowing a limited batch of 10 to 40 test wells until he was convinced by environmentalist Robert F. Kennedy Jr. to wait for the results of a number of health studies into the impact of hydraulic fracturing. Cuomo has since acknowledged such a conversation took place but denied that Kennedy swayed him.

"To the extent Bobby says I said to him that if it's good for the economy and if it's not a health risk we should do it ... I don't remember saying that to him, but it sounds like what I said. Sounds like what I've said to you 9 million times: that this has great possible economic benefit for the state in a part of the state that badly needs jobs, but we have to make sure it's safe and that there's no health risk," Cuomo told reporters earlier this week in response to questions about his conversations with Kennedy.

The Cuomo administration had set a February deadline for a decision on whether to allow hydrofracking but state Health Commissioner Dr. Nirav Shah announced last month that he would need more time to complete his study on the health impacts of fracking.

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