

New York State bans fracking

By Philip Guelpa
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On 17 December, the New York State Department of Health (DOH) issued a report concluding that there is insufficient information currently available to demonstrate that the use of high volume hydraulic fracturing (aka hydrofracking, or simply “fracking”) to extract oil and natural gas from shale formations can be carried out safely. The state’s Department of Environmental Conservation (DEC), which had commissioned the report, then announced that it would make permanent a ban on the use of the technique.

The state’s Democratic governor, Andrew Cuomo, who had been elected to a second term only a month prior, said that the decision was made purely on the basis of science, not politics. While there is much scientific evidence that fracking can have very serious negative consequences for human health and the environment, Cuomo’s decision has more to do with political calculations than any principled considerations.

What has become known as fracking is used to extract oil and natural gas trapped in shale deposits that are otherwise difficult to exploit. It involves horizontal drilling along the shale bed followed by the injection of large quantities of water, under high pressure, laced with a witch’s brew of toxic and carcinogenic chemicals plus sand to fracture and hold open fissures in the rock from which the hydrocarbon material can then escape and be extracted.

Numerous studies and accounts by residents living near fracking wells, some of which are referenced in the DOH report, provide strong evidence of the myriad dangers posed by this procedure. These include contamination of air and ground water with chemicals escaping from the wells, pollution of rivers by discarded wastewater, and respiratory ailments due to inhalation of minute sand particles, among others.

Despite the rapidly growing body of evidence that this procedure, at least as currently practiced, has severe negative consequences, it is being used widely in areas of the United States where suitable shale deposits are present. New York is the first state, aside from Vermont which has little or no suitable geologic deposits, to ban fracking entirely. It has also been banned in at least two

countries—Bulgaria and France. The use of fracking has dramatically increased the quantity of oil and natural gas produced in the United States.

A variety of factors have played a role in the Cuomo administration’s decision to ban fracking.

Unlike many other states that are experiencing budget deficits where fracking has been used or is being considered as a revenue source (e.g. Pennsylvania), New York’s state budget has been “balanced” in recent years, due to a combination of extensive cuts to social programs and increased revenues from the dramatic rise in Wall Street share prices. Therefore, the Cuomo administration can afford to forgo the potential income from fracking, at least for the moment.

Another element in Cuomo’s calculation is the recent dramatic decline in international oil prices and a relative oversupply in domestic natural gas reserves. Both factors are squeezing the profit margins of oil and natural gas producers, making expansion into a new area, where the necessary infrastructure is not yet developed, unattractive at this time. Hence, the pressure on Cuomo from the industry to permit fracking is not as great as it would otherwise be. This reality was acknowledged by the DEC commissioner, Joseph Martens, who stated, “The economic benefits are clearly far lower than originally forecast. The low price of gas only exacerbates this.”

The US Energy Information Administration reports that natural gas extracted from the Marcellus Shale formation in the eastern US has recently been trading at a 50 percent discount due to production far in excess of the existing distribution capacity.

A recent report by ProPublica revealed that, due to huge capital requirements and shrinking profits, Chesapeake Energy, one of the largest energy companies in the country, has been cheating landowners out of payments due to them for the use of their property for fracking.

In addition, the six year moratorium on fracking in New York State has permitted the maturing of public opinion on this issue, as fracking has been allowed to develop extensively in the adjacent state of Pennsylvania and its negative consequences have become increasingly evident.

Opinions regarding fracking have been gradually shifting toward the negative.

Last month, the Pew Research Center released the results of a poll indicating that support for the increased use of fracking in the US has fallen to 41 percent, down from 48 percent in March 2013. In that same time period, opposition has risen from 38 percent to 47 percent, according to Pew.

Numerous independent studies from across the country are building an increasingly solid database that indicates the dangers of fracking. In Colorado, one study found 30 percent more congenital heart defects in babies born to mothers living near fracking sites. Other research has reported correlations between fracking and skin and upper-respiratory problems.

State-sponsored studies, such as one in Wyoming, which found no evidence tying gas wells to polluted water, are subject to extreme pressure from both the industry and from politicians, making their conclusions highly suspect. Such studies have repeatedly been shown to employ inadequate levels of testing—insufficient frequency and/or level of specificity regarding the chemicals that can be detected.

In September, a study, led by the State University of New York at Albany's Institute for Health and the Environment, published in *Environmental Health*, revealed new evidence of the dangers of fracking. The study was based on air monitoring at locations in five states: Arkansas, Colorado, Ohio, Pennsylvania and Wyoming. The results indicated that 40 percent of the air samples contained benzene, formaldehyde or other toxic substances associated with oil and gas production that were above, in some cases far above, levels the federal government considers safe for brief or longer-term exposure.

Another study, sponsored by the National Institutes of Health and published in *Environmental Health Studies* in September, found that Pennsylvania residents living less than two-thirds of a mile from natural gas wells were much more likely to report skin and upper-respiratory problems than people living farther away.

Grave concerns have been raised regarding the potential of fracking in the Delaware and Hudson River watersheds to contaminate the drinking water supplies for the nine million residents of New York City and several nearby counties, the largest unfiltered municipal water system in the United States. Statewide, 63 percent of the 12 million acres containing shale deposits that could be subject to fracking had already been declared off limits due to water supply and other environmental concerns, plus rulings against permitting fracking by a number of municipalities.

This conjunction of factors is affording Cuomo the opportunity to pander to middle class liberals who constitute the most vocal portion of the opposition to fracking, as he

has done with several other issues, without running afoul of the big financial and corporate interests that he represents.

It should be noted that the report does not conclude definitively that fracking is unsafe, only that currently available information is insufficient to judge the safety of this technique and that it would be prudent to await a more solid basis on which to decide whether or not to permit the technique. While this is a perfectly valid scientific assessment, sufficient to support a decision to employ extreme caution regarding such a potentially dangerous activity, it does leave the door open for permitting fracking in the future, should the political climate change.

Andrew Cuomo has well-known ambitions toward the Democratic presidential nomination. His reelection faced some opposition from the more liberal elements of the state Democratic Party due to his overwhelmingly right-wing economic policies. With the ban on fracking, Cuomo makes a gesture to this wing of the party, which will be more likely to swing behind him should he pursue a presidential bid. Numerous “anti-fracking” groups were quick to praise the governor for his action. At the same time, Cuomo continues his attacks on the working class.

During the same week as the fracking ban was announced, the Cuomo administration notified 2,500 state employees, members of the Public Employees Federation, the second largest public employee union in the state, that their job classifications would be changed to Management/Confidential, making them ineligible for union membership and subject to arbitrary dismissal. This move is widely seen as retribution for the union's support of Cuomo's opponent in the Democratic gubernatorial primary election. It is also in preparation for upcoming contract negotiations. Union sources indicate that they have heard that Cuomo told some aids that his intention is to destroy the union.

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