November 19, 2012

Nirav R. Shah, M.D., M.P.H
Commissioner
New York State Department of Health
P.O. Box 2602
Albany, NY 12220-2602

Dear Commissioner Shah:

Recently, your department released the list of public health experts who will be reviewing the state's environmental study on shale development in New York. According to a recent report by the Associated Press:

> "*The experts chosen for the health review were John Adgate, chairman of the Environmental and Occupational Health Department at the Colorado School of Public Health; Lynn Goldman, dean of George Washington University's School of Public Health and Health Services; and Richard Jackson, chairman of the Department of Environmental Health Sciences at the University of California Los Angeles' Fielding School of Public Health*." (AP, Nov. 16, 2012)

While we respect the academic credentials of these experts, we are nonetheless concerned about their selection for a review that was intended to be conducted by "the most qualified outside experts," according to Department of Environmental Conservation Commissioner Joe Martens.

Each of these experts has shown a troubling willingness to speak publicly about supposed dangers and risks of hydraulic fracturing. While voicing concerns is an understandable and at times necessary function of scientific progress, these experts have chosen to make statements that contradict well-established scientific conclusions about both hydraulic fracturing and shale development. Below is a list of those statements and other activities, which, although not a complete catalog of the positions the reviewers have taken on this topic, presents a concerning uniformity of opinion about a process that they are now tasked with considering objectively.

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Statements by Professor Lynn Goldman

Goldman: "*But along with the promise of economic benefits and a healthier planet comes the worry that the exponential growth in the industry is* ***spawning troubling health risks in communities near fracking operations.*** *These hazards* ***include toxic chemicals in the water, polluted air****, and even seismic activity caused by disposal of fracking waste waters*." (Huffington Post, Oct. 24, 2012; emphasis added)

Goldman: "*In addition, some of the chemicals -- not just those added as part of the fracking process but also chemicals brought to the surface in the waste water -- are linked to health problems such as* ***disruption of the endocrine system or even cancer***." (Huffington Post, Oct. 24, 2012; emphasis added)

Goldman: "*As a pediatrician and an environmental health expert, I worry about people living near the drill sites, including young people. Children are more exposed to pollutants simply because they inhale or ingest more per body weight and often are less capable of detoxifying dangerous substances as efficiently as adults. They may be more susceptible because toxic exposures at critical periods of development can have life-long health consequences*." (Huffington Post, Oct. 24, 2012)

Statements by Professor Richard Jackson

Jackson: "*Pick up any newspaper in any city in the world any day of the year; you will find a headline that involves health and environment. As I write this many states are grappling with the challenge of hydraulic fracturing of shale and other natural gas sources, and yes there is "fracking" in California.* ***These most unregulated drilling processes*** *numbering in the hundreds of thousands have impacts on air quality including* ***global warming, drinking water and other waters, soils, air quality, and nearby populations including by noise. Fracking involves serious worker exposures and will likely cause silicosis and other lethal diseases.*** *What we extract from the earth-- methane, coal, mercury, metals and more--all eventually embed in the natural world and in our bodies. What we make to help grow food, control pests, move our cars and flameproof our computers; all these chemicals end up in the biosphere and in our children. How we build our communities shapes our energy use, socializing, and physical activity*." (Fielding School of Public Health, Introduction to UCLA Environmental Health Sciences Program; emphasis added)

Jackson: "*This is a very important panel. What's the science and what are the next steps? What's the evidence?* ***How do we look at these adverse health effects on hydrofracking? How can we minimize those effects, and particularly as the technology evolves****?"* (Institute of Medicine Roundtable, "Health Impact of New Energy Sources: Shale Gas Extraction," May 1, 2012; emphasis added)

Background on Professor John Adgate

John Adgate is the Chair of the Department of Environmental and Occupational Health at the Colorado School of Public Health (CSPH), which recently conducted a controversial health impact assessment, of which Dr. Adgate was a part. Adgate and his fellow researchers determined that natural gas development may cause future health impacts for those living within a defined proximity to natural gas well sites. The study was a hypothetical modeling exercise and did not provide any evidence of actual health problems.

The study utilized air toxics data collected in Garfield County, Colo., between January 2008 and November 2010. Colorado updated its regulatory requirements for oil and gas systems in February 2009, and thus a large portion of the data used in forming the study's conclusions represented an operating environment that no longer exists in the state. Additionally, the study utilized air samples taken within one mile of a major U.S. interstate (I-70) to determine emissions levels – notably benzene – from oil and natural gas development. This is problematic, as the U.S. EPA has found that most of the nation's benzene emissions come from cars, trucks and other mobile sources and exposure levels are highest near major roads. The study also relied on flawed assumptions that exaggerated the emissions associated with drilling and completing new gas wells. As a result, the study's conclusions dramatically inflated the health risks associated with natural gas development.

Because of these and many other errors, the assessment received strong criticism from the Colorado Department of Public Health and Environment, and the study was decommissioned by the Garfield County commissioners in May 2011. The CSPH researchers claimed to have been working closely with Garfield County officials to collect their data, but the county's chief environmental health official, Jim Rada, told the press he had "no knowledge" of what the researchers were even studying.

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As the above statements and work attest, the selection of these experts appears to contradict the state's intention of having an independent and objective review. We believe that such a review requires a diversity of opinions on the subject under consideration – hydraulic fracturing – a standard that the state has unfortunately fallen short of meeting with the selection of these (and *only* these) three experts.

Unemployment in the Southern Tier of New York is above the national average, and the DEC has already determined that responsible Marcellus shale development – including high-volume hydraulic fracturing – could create more than 50,000 new jobs in the state. The overall impact on New York wages, according to DEC, would range from $621 million to as much as $2.5 billion. And this does not even include the significant new tax revenues that shale development would provide for local governments to pay for vital public services like schools and roads, or more police and firefighters.

Simply put, New York residents who need jobs and must support their families should be given a fair shot at both, and the state has already outlined the jobs and economic opportunity that development could bring to many of them. The stakes are simply too high to hinge these families' economic future on a three-person review board whose stated opinions suggest an inability to consider shale development objectively.

To be clear, we believe the three experts selected can provide valuable input in this review. But in order to meet the demands of New York residents – who deserve and strongly support a fair, open and independent process – we encourage the state of New York to consider additional experts to allow for a true diversity of perspectives.

Sincerely,

Lee O. Fuller
Executive Director
Energy In Depth

CC: Andrew Cuomo, Governor, State of New York
Joe Martens, Commissioner, New York Department of Environmental Conservation