



**Press Release for January 7, 2013**

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## **Elected Officials Question Comment Period on Fracking Regulations and Lack of Public Participation in Review of Fracking's Health Impacts**

*As Jan. 11 Regulations Deadline Nears, Elected Officials to Protect New York Held a Press Conference about Good Government and Public Participation in State's Review of Fracking Regulations and Health Impacts*

**(Binghamton)** On Monday, January 7 at 12:30 PM, Elected Officials to Protect New York – representing over 560 elected officials from all 62 counties in NY - held a press conference urging Governor Cuomo to extend the comment period on fracking regulations to 90 days to allow local governments to comment on revised regulations, and calling for public participation in the state's health review. Operating under the state's Open Meetings Law, most local governments are unable to respond at all to critical fracking regulations under the current 30-day comment period that overlapped with the holidays. Concerning the state Department of Health's secretive health review, EOPNY urges Governor Cuomo to abide by the same principles of transparency that EOPNY members are bound to follow, as elected officials themselves. Especially in a matter as profoundly important to all New Yorkers as the health impacts of unconventional gas drilling, Governor Cuomo must open the health review to the public for their review, participation, and comment.

They noted [a letter](#) about the 30-day comment period on the regulations that Elected Officials to Protect New York sent to Governor Cuomo and DEC Commissioner Martens on December 21, 2012. That letter **says**, "While these revised rules are designed in part to protect local governments from the impacts of fracking, the monthly meeting schedule of most local governments, operating under the Open Meetings Law, means that most local governments will be unable to respond at all to these critical regulations. Many municipalities do not even meet between now and January 11. Such a short comment period, especially during a period of major religious and national holidays, is inadequate for any reasonable public review of such extensive regulations."

**At the press conference in Binghamton on Monday, Elmira Mayor Sue Skidmore said**, "The short 30 day comment period precludes local governments from expressing the concerns of the citizens we are elected to represent. It's nearly impossible for local governments to schedule meetings to dissect and discuss the potential health impacts of hydraulic fracturing with the holidays in the middle of the period, and the constraints on local governments to follow proper procedure in regard to Open Meetings Laws."

Local governments have been working diligently to prepare – in concert with their constituents – in case fracking is approved in the state. **Mayor Kevin Millar of the Village of Owego in Tioga County** explained, "The Village of Owego passed a moratorium on natural gas exploration, extraction, and support activities in 2012. The village board took this action so that we can review our comprehensive plan and if needed alter our zoning law in order to protect our residents and infrastructure from the heavy industrial activity that accompanies gas drilling and support services. We have hired a planning firm to assist us in this work. We're trying to respond thoughtfully and responsibly, but the 30-day comment period precludes us from commenting on these very critical regulations that we will have to live with if fracking is allowed."

**Town of Caroline Deputy Supervisor Dominic Frongillo** said, “This is about good government. At a bare minimum, local government elected officials and the public need 90 days to comment on the revised regulations.”

**Tompkins County Legislature Chair Martha Robertson** highlighted a January 2 letter from DEC Commissioner Joe Martens to Dan Fitzsimmons of the Joint Landowners Coalition of New York. That letter, written at the behest of Governor Cuomo in response to the Coalition's concerns about delay in the decision-making, explained the DEC's process over the next two months. “I find it revealing that the Landowners Coalition has gotten this attention and response from the Governor through the Commissioner. We have written Governor Cuomo four letters since June, asking for a meeting in each letter, and have gotten no response from his office. EOPNY represents 565 local elected officials from every county in the state. **EOPNY signatories serve on legislative bodies that represent 13,461,888 New Yorkers, or 69% of the state's population.** When will we hear from the Governor?”

A short 30 day comment period in the midst of the holidays stifles public participation on an already confusing and backwards process. The regulations were released prior to the state's completion of the environmental review (the SGEIS) and a health review, which itself suffers from undue secrecy.

The elected officials reiterated concerns that Elected Officials to Protect New York detailed in a [December 3, 2012 letter](#) to Governor Cuomo, Commissioner Martens, and Department of Health commissioner Shah about the secrecy and lack of public participation and exclusion of medical and scientific experts in the state's health review. **The December 3 letter states,** "To reiterate our core concern about the recent developments, the DEC has released revised regulations prior to completion of the health review, raising serious concerns that politics rather than science is driving the process. These concerns lead us to urge that the current draft of the SGEIS and health review be made public and reopened for public comment."

**Binghamton Mayor Matt Ryan said,** “As the potential ramifications of fracking weigh heavily on our constituents, transparency and public participation are crucial to ensure the best interests of New Yorkers and to restore the public's trust in the state's review. The health review that the outside consultants evaluated and their reports simply must be made public, with time for New Yorkers – including the medical professionals of our great state – to understand and comment on this vital material.”

EOPNY called on the Governor and the DEC to follow the time-honored principles of transparency and good government. “This is no time for secrecy and exclusion of New York's own medical and scientific experts, or the public. Governor Cuomo must extend the comment period on the regulations, and make the health review public and open it and the SGEIS for public comment," stated **Deputy Supervisor Frongillo.**

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#### **About Elected Officials to Protect New York:**

Elected Officials to Protect New York ([www.NYElectedOfficials.org](http://www.NYElectedOfficials.org)) is a nonpartisan, geographically diverse group of local elected officials representing cities, towns, villages, and counties across New York, who are committed to protecting our great state. It includes more than 560 local elected officials from all 62 New York State counties. The initiative launched in June, 2012 with over 250 local elected officials who brought concerns about fracking to Governor Cuomo and urged the governor to continue the moratorium on fracking until and unless the drilling method is proven safe for all New Yorkers. Elected Officials to Protect New York believes that prior to making a decision about fracking, at a minimum Governor Cuomo must do a comprehensive health impact assessment, a thorough socioeconomic impact assessment that considers all potentially negative impacts, and a revised and properly thorough study of cumulative impacts.