

2020 Memorandum in Support

Bill: A7933 by Assembly member O'Donnell and S1858-A

Title: Prohibits the use of drilling fluids, brine and flowback water from wells, pools or fields on any highway for any purpose including but not limited to de-icing or dust suppression.

The Adirondack Mountain Club (ADK) Strongly Supports this Legislation.

This proposal would amend the environmental conservation law Section 23-0305, by adding a new subdivision 15, in relation to prohibiting the use of drilling fluids, brine, and flowback water from wells, pools or fields on any highway for any purpose including but not limited to de-icing or dust suppression. During conventional oil and gas drilling, and during high volume hydraulic fracturing, chemicals are used in drilling muds, slurries and fluids. Every drilled well produces many gallons of toxic waste fluid containing the added chemicals, as well as other naturally occurring radioactive material, liquid hydrocarbons, brine water and heavy metals.¹ Well drilling companies end up with large quantities of waste in the form of flow back fluid, brine, and leachates. These waste products pose a significant public and environmental health risk if they end up in waterways or aquifers as a result of disposal or use on roadways.

In March 2018 the Concerned Health Professionals of New York released a report *The Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking* (the Compendium), which is a fully referenced compilation of the evidence outlining the risks and harms of fracking.² The Compendium collected and compiled findings from three sources including, articles from peer-reviewed medical or scientific journals; investigative reports by journalists; and reports from, or commissioned by, government agencies.

“Substantial evidence shows that drilling and fracking activities, and associated wastewater disposal practices, inherently threaten groundwater and have polluted drinking water sources, as confirmed by the 2016 final report of the U.S. Environmental Protection Agency (EPA) on the impacts of fracking on the nation’s drinking water.... of the more than 1,000 chemicals that are confirmed ingredients in fracking fluid, an estimated 100 are known endocrine disruptors, acting as reproductive and developmental toxicants. Adding to this mix are heavy metals, radioactive elements, brine, and volatile organic compounds (VOCs), which occur naturally in deep geological formations and which can be carried up from the fracking zone with the flowback fluid.”³

Although this waste exceeds the legal criteria for a hazardous waste classification, it is categorized

as "industrial" under federal and state laws due to exemptions given to the oil and gas industry. The "industrial" classification and exemptions eliminate tracking requirements for its handling, storage, treatment and disposal. Consequently, the waste is being used for many purposes including as a road deicer and to control dust on dirt roads. Current restrictions on the spreading of brine waste on roadways are vague, limited, and rarely require chemical testing of liquid waste before it is used. By prohibiting the use of oil and gas drilling or oil storage waste on roadways, we can help to avert any unnecessary health risks to our wildlife, wild lands, our families and communities.

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¹ https://serc.carleton.edu/NAGTWorkshops/health/case_studies/hydrofracking_w.html

² <https://concernedhealthny.org/compendium/>

³ <https://concernedhealthny.org/compendium/>