

# Fracking Regs Likely Delayed into 2013

MARY ESCH, Associated Press

ALBANY, N.Y. (AP) -- A health impact review of shale gas drilling by national experts will make it impossible to meet a looming deadline for new fracking regulations, New York Gov. Andrew Cuomo said Tuesday, pushing a much-delayed decision on the contentious issue into 2013.

The Department of Environmental Conservation has been doing an environmental impact study and drafting new regulations for high-volume hydraulic fracturing, or fracking, since 2008. Shale drilling has been on hold since then amid health and environmental worries surrounding fracking, which stimulates a well's production by injecting huge volumes of chemical-laced water to crack deep, gas-rich shale deposits.

The deadline for finalizing regulations is Nov. 29 under the state Administrative Procedures Act, which says a proposed rule expires 365 days after the last public hearing unless it's officially adopted by then. If the regulation isn't finalized by the deadline, the agency has 90 days to submit a new notice of rulemaking, and another 90 days to complete the job. That could potentially delay a final decision for six months. The public would have the opportunity to comment during that time.

A panel of three nationally recognized public health experts was named last week to review the state's health impact study of fracking. Cuomo told a radio interviewer Tuesday he sees no way the panel's work can be completed by the end of next week.

Asked about it at a press conference Tuesday at the Javits Center in New York City, Cuomo said he doesn't have a timeline for completion of the health review and fracking regulations, but he doesn't expect it to be finished within the next week.

"This is a big decision for the state," Cuomo said. "It has potential economic benefits if the state goes forward with fracking, but we want to make sure it's safe and we want to make sure the environment is protected, people are protected and that's why we're doing a health assessment."

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.

Goldman said Tuesday she hadn't seen the state's health impact assessment yet and didn't know how extensive it was. But she said she planned to have her review completed by the end of next week because of her schedule of other commitments.

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Goldman said her contract with the state set a deadline of Feb. 12, but she had been told in an email that officials wanted the review done by Dec. 3.

"Generally, I'm applauding them for making the effort," Goldman said of New York's health study. "I hope the outcome of our doing this review helps the state make a wise decision."

Industry groups have criticized the choice of health experts to review the state study, saying they're biased against the industry.

"Each of these experts has shown a troubling willingness to speak publicly about supposed dangers and risks of hydraulic fracturing," said Lee Fuller, executive director of the industry group Energy In Depth. "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."

John Krohn, a spokesman for Energy In Depth, said the natural gas industry will give Cuomo its own list of health experts, "so that independent panel can have an increased diversity of opinion, which in our view is needed."

Environmental and health groups have praised the choice of panelists and were cheered at word of the latest delay in a final decision on whether fracking will be allowed in New York.

"We are glad the Governor wants to 'do this right,'" said Sandra Steingraber, a representative from the anti-fracking coalition New Yorkers Against Fracking. "We are confident that a thorough, independent review of the health impacts of fracking will show it can't be done safely."

*Associated Press reporter Ula Ilnytzky in New York City contributed to this report.*

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