

DEC chief angers fracking opponents

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ALBANY — New York's top environmental regulator on Thursday dismissed calls for a lengthy outside analysis of natural gas drilling's health effects, instead calling on the Department of Health to assist in the state's review.

Joseph Martens, commissioner of the Department of Environmental Conservation, issued a statement signaling that his agency's review of hydraulic fracturing — a study begun in 2008 — will continue with added state analysis of the impacts on human health.

Several environmental and medical groups had called on Martens and Gov. Andrew Cuomo to enlist an independent, non-governmental group to assess hydrofracking's physical effects on humans.

"I reject that demand," Martens said in his statement. "I believe it is highly likely that some of these groups will pursue litigation following the conclusion of the departmental process if they do not agree with the outcome."

Instead, Martens said, he has asked state Health Commissioner Nirav Shah to review the DEC's own analysis and to appoint a panel of outside experts to advise him.

The move will likely add time to the DEC's review of the controversial technique used with gas drilling. High-volume hydrofracking can't move forward in New York until the DEC finalizes that review.

A final DEC decision will wait until after Shah weighs in, according to Martens' statement. The DEC has already released a draft set of regulations and two non-final versions of its environmental impact statement, which has grown to 4,000 pages.

"I believe this action addresses any legitimate request for additional due diligence and study as well as ensuring DEC's ultimate decision on hydraulic fracturing is beyond reproach either as

Fracking

Continued from Page 5B

a matter of law or as policy," Martens said.

Martens' announcement came as a surprise to both advocates and opponents of hydrofracking, some of whom had met with the commissioner in recent months to discuss the possibility of a health assessment.

Katherine Nadeau, a program director for Environmental Advocates of New York, said she was disappointed. Her group had been calling for an outside analysis.

Sandra Steingraber, an Ithaca College scholar-in-residence who co-founded the coalition New Yorkers Against Fracking, criticized Martens' announcement.

"With the health of millions of New Yorkers at risk, Gov. Cuomo must demand a rigorous, comprehensive health impact assessment by an independent team of public health experts. That's what New York's universities and medical institutions are there to provide," she said.

Reaction from gas drilling supporters was mixed. Mike El-mendorf, CEO of Associated General Contractors and a founder of pro-fracking group Clean Growth Now, said his position will rely on whether the added review will delay DEC's ultimate decision.

"It's time to wrap this up and it's time to move forward," El-mendorf said. "If what they're doing is an effort to do that and not add delay, then it's great. And if it's not, then I think we have real concerns."

A representative for a gas industry trade group said it is "supportive of DEC taking the position here that they are the final arbiter."

"We're assuming there's going to be more delay as a result, but that being said, it makes sense that they take a good hard look and make sure that they have the proper expertise in the state to review it," said Karen Moreau, executive director of the New York State Petroleum Council.