

ADIRONDACK MOUNTAIN CLUB · CATSKILL MOUNTAINKEEPER · CITIZENS CAMPAIGN FOR THE ENVIRONMENT · COMMON CAUSE NY · DELAWARE RIVERKEEPER NETWORK · EARTHJUSTICE · EARTHWORKS OIL AND GAS ACCOUNTABILITY PROJECT · ENVIRONMENT NEW YORK · ENVIRONMENTAL ADVOCATES OF NEW YORK · NATURAL RESOURCES DEFENSE COUNCIL · RIVERKEEPER, INC. · SIERRA CLUB ATLANTIC CHAPTER · WATERKEEPER ALLIANCE · WORKING FAMILIES PARTY

December 18, 2012

Commissioner Nirav R. Shah, MD, MPH
New York State Department of Health
Corning Tower
Empire State Plaza,
Albany, NY 12237

Commissioner Joseph Martens
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

Dear Commissioners Shah and Martens:

Our groups write today to call on the Administration to commit to conducting a robust, comprehensive and – above all – open process as you proceed in your consideration of the potential health impacts associated with proposed high-volume hydraulic fracturing (fracking) in New York State.

We write in follow up to the letters sent by the Natural Resources Defense Council, Riverkeeper, Inc. and the Waterkeeper Alliance on October 5 and November 21, 2012 (copies of which are attached) making this same request.

We remain deeply concerned that the health review is proceeding under a veil of secrecy and without any opportunity for input by the potentially affected public, state-based health professionals or other key stakeholders. Among other things, the “health impact assessment” purportedly prepared by the Department of Environmental Conservation (DEC) through the ongoing Revised Draft Supplemental Generic Environmental Impact Statement process, and under current review by the Department of Health (DOH) with the aid of three outside experts, has never been publicly released.

To be valid and meaningful, it is absolutely critical that the health review process provide a genuine opportunity for input by local, county and New York State medical and public health

professionals, as well as the community members in potentially affected areas of the state. We therefore call on your agencies to announce a public review process that includes, at a minimum:

- Public release of the scope, substance, and any supporting data or information used to complete the "health impact analysis" conducted by DEC and announced by Commissioner Martens on September 20, 2012.
- Public release of the scope, substance and any supporting data or information used in the DOH review of the analysis, as well as the scope and substance of the outside experts' evaluations of that review.
- No less than a sixty-day public comment period on the scope and substance of the Department of Environmental Conservation's "health impact analysis," the scope and substance of the Department of Health's review, and the scope and substance of the outside experts' review.
- One or more public hearings conducted by DOH throughout the potentially affected parts of the state to receive testimony from interested parties, **before** DOH and the experts **finalize** their review.

In addition, we are concerned that the recent decision to release revised draft regulations prior to completion of either the health or environmental review processes will put undue pressure on your agencies to make a final decision on fracking in New York that is not appropriately informed by those processes and that is subject to an arbitrary, unfounded deadline.

Consequently, we also ask that your agencies reiterate your commitment not to make any final decisions related to fracking, including but not limited to finalization of the draft regulations, until this public health review process has been completed and due consideration has been given to the information elicited during that process.

We thank you again for your decision to conduct an evaluation of potential health impacts from proposed new fracking in New York, and we are confident that you will ensure that evaluation is both open and legitimate.

Sincerely,

Neil F. Woodworth
Adirondack Mountain Club

Wes Gillingham
Catskill Mountainkeeper

Sarah Eckel
Citizens Campaign for the Environment

Susan Lerner
Common Cause NY

Maya van Rossum
Delaware Riverkeeper Network

Deborah Goldberg
Earthjustice

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Earthworks Oil and Gas Accountability Project

Eric Whalen
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Environmental Advocates of New York

Kate Sinding and Eric A. Goldstein
Natural Resources Defense Council

Kate Hudson
Riverkeeper, Inc.

Roger Downs
Sierra Club Atlantic Chapter

Robert F. Kennedy, Jr.
Waterkeeper Alliance

Dan Cantor
Working Families Party

cc: Governor Andrew M. Cuomo
Senator Mark Grisanti, Chair, Senate Environmental Conservation Committee
Senator Kemp Hannon, Chair, Senate Health Committee
Assembly Member Robert Sweeney, Chair, Assembly Environmental Conservation
Committee
Assembly Member Richard Gottfried, Chair, Assembly Health Committee