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MEMORANDUM OF SUPPORT
S8357 (Webb)/A8866 (Kelles)

To: New York State Senate

Re: S8357/A8866 A bill to amend the energy conservation law to broaden the current ban on high volume hydraulic fracturing to include use of carbon dioxide.

The League of Women Voters of New York State strongly supports banning the use of carbon dioxide (CO₂) in fracking for extraction of natural gas in New York State (A.8866/S.8357). Doing so would amend Article 23 of the Environmental Conservation Law to widen the existing ban on High Volume Hydraulic Fracturing (HVHF or fracking) to include use of CO₂ in natural gas or oil extraction.

The League has a long history of education and advocacy in policy making to preserve the environment, protect natural resources: air, water and soil and promote human health, all of which are threatened with HVHF, an extractive process which is currently banned in New York State. In December 2014 HVHF was banned by executive order of former Governor Andrew Cuomo citing serious public health risks and insufficient evidence to affirm the safety of fracking which can impact the environment via toxic emissions into air, water and soil. To prevent another governor from later overriding Governor Cuomo's executive order, the New York State legislature permanently banned fracking effective in fiscal year 2021.

The emergence of a company called Southern Tier Solutions proposing to use an experimental and dangerous process of drilling and fracking with pressurized CO₂ rather than water has sparked attention to address the fracking ban loophole. Science and documented accidents involving CO₂ elsewhere underscore the urgent need to include use of CO₂ in the fracking ban. During the drilling itself, if CO₂ comes into contact with water (which is all but inevitable), it converts to carbonic acid, a highly corrosive compound; in addition, the risks of using CO₂ to frack are consistent with already known and documented adverse impacts of the HVHF process.

New York State's Dr. Sandra Steingraber recently summarized the issue, "More than 2,000 peer-reviewed studies now clearly show that fracking damages our climate and imperils the health of those who live near the drilling sites. Toxic air pollution, radioactive releases, soil erosion, industrialized landscapes, threats to groundwater, methane plumes, earthquake risks—these harms don't go away when CO₂ is subbed in for water as the agent of gas extraction. Indeed, new risks are added. Liquefied CO₂ is poisonous, corrosive, and behaves as a terrible asphyxiant

that acidifies lung tissue on contact.¹

Finally, New York State has demonstrated through passage and now implementation of the Climate Leadership and Community Protection Act (CLCPA) the State's leadership responsibility to address the escalating climate emergency. Permitting any process that can and will leak methane gas into the atmosphere would undermine the very core of the CLCPA and New York's leadership pledge toward a sustainable future.

This legislation will close the loophole in the existing ban to HVHF, which the League supports.

The League of Women Voters of New York strongly urges your support of the ban (A.8866/S.8357) on use of CO2 in drilling and fracking in New York State.

¹ Dr. Sandra Steingraber, 2-2-24 press conference, Albany, New York; (<https://www.foodandwaterwatch.org/2024/02/02/nys-legislators-introduce-new-bill-to-ban-co2-fracking-drilling-for-gas>); See also <https://www.science.org/doi/10.1126/science.adh1331>