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**Businesses Herald New York Court Decision to Protect Home Rule and Fracking Bans**

***More Than 25 Businesses Called on Court of Appeals to Allow New York Towns to Ban Fracking in Middlefield and Dryden Cases***

**Albany, NY** – Businesses Against Fracking New York (<http://businessesagainstfrackingny.com>) announce today that businesses from across the state welcome the decision of New York’s highest court to protect the right of local to ban heavy industry within their borders, including fracking. The Court’s decision was announced .

“The Court made the right decision, one that will help protect character and health of local economies throughout the state. All kinds of businesses are dependent on protecting our natural resources from fracking, and this ruling ,” sa Hilary Baum, New York State Sustainable Business Council.

Pete Saltonstall, owner of King Ferry Winery in the Finger Lakes region, This decision is an important step to help keep gas drilling as far from my vineyard as possible. All we have worked for is threatened by the possibility of hydro fracturing being allowed in our part of New York State. Thanks to Dryden for taking this stand from which we will all benefit.”

"It is so encouraging - and right - the court uphold the rights of citizens and municipalities to manage and maintain their own environmental integrity. Let's hope the governor will follow suit for our entire state," sa Mary Cleaver, Cleaver Co., NYC

“We are delighted with the Court’s decision but realize there are a lot of people who are still unprotected. Let’s apply the domino theory and liberate the rest of the state, sa Larry Bennett, Brewery Ommegang, Cooperstown.

In the spring of 2014, more than 25 businesses including nationally-known companies like Etsy, and regional economic forces such as Brewery Ommegang and the Park Slope Food Coop filed an the New York Court of Appeals prepared to make a decision in two cases The businesses who joined the amicus brief represent core New York economic sectors including agriculture, food and beverage, arts and entertainment, tourism, construction and real estate, health and well-being, hospitality, and services and retail industries.

**BUSINESS THAT SIGNED ONTO THE AMICUS BRIEF**

- A&E Management & Contracting, Inc.

- Arm-of-the-Sea Production, Inc.
- Beaverkill Angler, LLC
- Bravo Original Ceramic Designs
- Brewery Ommegang, Ltd.
- Cleinman Performance Partners, Inc.
- Cooperstown Cheese Company, LLC
- The Cleaver Co., Inc.
- The Dirt Diva
- Dutch Ale House, Inc.
- Dutch Girl Cheese
- Etsy, Inc.
- Fairytale Farm
- Gold Petals/Homescapes Inc.
- Hudson Valley Dessert Company
- Hunt Country Vineyards, LLC
- The Inn at Cooperstown
- King Ferry Winery Inc.
- Northeast Organic Farming Assoc. of New York, Inc. (NOFA-NY)
- Our Bookshop
- Park Slope Food Coop, Inc.
- Partition Street Wine Shop
- Promo-to-go LLC d/b/a Earthgirl Pottery
- Silver Thread Vineyard, LLC
- Singlebrook Technology, Inc.
- Tuthilltown Spirits, LLC

## **BACKGROUND ON FRACKING**

### **Water Contamination:**

A recent analysis of complaints from four states with fracking shows [that “hundreds of complaints have been made about well-water contamination from oil or gas drilling... according to a review that casts doubt on industry suggestions that such problems rarely happen.”](#) A Duke University [study](#) linked fracking with nearby groundwater contamination, corroborating an [earlier study](#) that found “systematic evidence for methane contamination of drinking water associated with shale gas extraction.”

The U.S. Geological Survey released a report focusing on fracking in the Appalachian Basin that raises [many concerns](#) and found serious impacts to watersheds, water quality, as well as issues with radiation and seismic events. The [report](#) notes, "Although the technology for [fracking] has improved over the past few decades, the knowledge of how this extraction might affect water resources has not kept pace."

A [study](#) by the University of Missouri School of Medicine links fracking with dangerous hormone-disrupting chemicals in the water near fracking sites.

A University of Texas at Arlington study of fracking sites in Texas' Barnett Shale showed that ["there are elevated levels of arsenic and other heavy metals close to natural gas extraction sites"](#) and that the compounds could end up in drinking water.

The Denver Post [reported that](#) Colorado state data show more than 350 instances of groundwater contamination resulting from more than 2,000 oil and gas spills over the past five years.

The Scranton Times-Tribune obtained Pennsylvania Department of Environmental Protection data that showed at least 161 [homes, farms, churches and businesses](#) had their water supplies damaged by drilling and fracking between 2008 and the fall of 2012.

The threat of water contamination is inherent. The oil and gas industry itself reports that 5% of well casings fail immediately and failure rates rise steeply over time.<sup>[1]</sup> Operator-wide statistics [show that](#) 6-7% of new wells drilled in Pennsylvania over the past three years suffer from compromised structural integrity or outright well-casing failures. Recently, the head of Texas A&M University's Petroleum Engineering Department [noted inherent problems](#) with fracking, telling the *Fort Worth Star-Telegram* that sand used in hydraulic fracturing can wear away steel pipes as it rushes from the well along with natural gas, threatening to compromise well integrity.

#### **Dangerous air pollution:**

Based on three years of monitoring, a Colorado School of Public Health study [found](#) air pollutants near fracking sites at levels sufficient to raise risks for cancer, neurological deficits and respiratory problems.

American Lung Association data [show](#) worse air quality in intensely fracked rural areas than in urban areas. The American Lung Association has joined the [New York State Medical Society](#), the American Academy of Pediatrics of NY and [hundreds](#) of medical experts, scientists and health organizations in calling for a moratorium and comprehensive health impact assessment.

Tests at fracking sites in West Virginia [revealed](#) dangerous levels of air contaminants, prompting the health department administrator to warn, "the levels of benzene really pop out... The concerns of the public are validated." In Texas, air-monitoring data in the Eagle Ford Shale area [reveal](#) that residents could be exposed to dangerous levels of air pollution, including both benzene and hydrogen sulfide gas.

Medical experts at a single rural clinic in Pennsylvania [documented](#) health problems in 20 individuals likely caused by airborne exposures to emissions from nearby fracking operations.

#### **Economics and jobs greatly exaggerated, meanwhile crime skyrockets:**

A [report](#) by the Multi-State Shale Research Collaborative disproves industry claims that 31 direct jobs are created by every gas well. Each well actually creates only 4 jobs. Says Frank Mauro, executive director of the Fiscal Policy Institute: "Industry supporters have exaggerated the jobs impact in order to minimize or avoid altogether taxation, regulation, and even careful examination of shale drilling."

In a September, 2013 [feature](#) titled "Pa. fracking boom goes bust," *The Philadelphia Inquirer* detailed "flat at best" job growth and declines in production and royalty payments.

Bloomberg News [reported](#) that disappointing wells and declining prices have led major companies to write down oil and gas shale assets by billions of dollars.

*The New York Times* [reported](#) striking increases in drilling-related crime in Montana and North Dakota, including significant increases in violent crimes, drunken driving, theft and rape, similar findings to [other studies](#) across the nation. [Property values](#) and [mortgages](#) are also put at risk.

[Forbes recently reported](#) on a [new study by University of Calgary and Duke University](#) that researched the Marcellus Shale region showing that pollution fears led to drops in property values near fracking wells.

### **Climate change:**

As the New York Times [reported](#), a major study led by Harvard found that the EPA is significantly underestimating methane discharges from oil and gas production. That study followed [updated](#) Intergovernmental Panel on Climate Change measurements finding that methane is even worse for the climate than previously thought: Over a 100-year time scale, methane is 34 times more potent in the atmosphere than CO<sub>2</sub>; over 20 years, 86 times more potent.

A recent major [study](#) spearheaded by Stanford University's Energy Modeling Forum concluded that fracking and the shale gas revolution will have no long-term climate benefit.

Two National Oceanic and Atmospheric Administration studies ([here](#) and [here](#)) of methane emissions from oil and gas drilling in Colorado and Utah found emissions at levels very damaging to the climate.

### **Earthquakes and seismic risks:**

The [Associated Press recently reported that geologists in Ohio have for the first time linked earthquakes to fracking](#). "Earlier studies had linked earthquakes in the same region to deep-injection wells used for disposal of fracking wastewater."

In three sets of comments ([here](#), [here](#) and [here](#)) on proposed fracking guidelines, the NYC Department of Environmental Protection raised serious concerns about the impacts of potential seismic activity from fracking-related activities on New York City's water and water supply infrastructure. As the New York Times recently [reported](#), science is increasingly linking fracking and fracking wastewater injection to a rapidly growing number of earthquakes.

A [study](#) by Columbia University's Lamont-Doherty Earth Observatory found that injection of fracking waste stress geological faults in ways that make them vulnerable to earthquake swarms.

Scientists have [linked](#) a 2011 swarm of earthquakes to wastewater disposal, [including](#) a magnitude 5.7 earthquake that injured two people, destroyed 14 homes, and was felt across 17 states.

**Additional information:**

A November 1 memorandum of recent science from 15 environmental and health organizations: [www.tinyurl.com/frackingscience](http://www.tinyurl.com/frackingscience)

Resources from Concerned Health Professionals of New York: <http://concernedhealthny.org/documentation/>

Resources from Physicians Scientists & Engineers for Healthy Energy: [http://www.psehealthyenergy.org/site/show\\_list/id/13](http://www.psehealthyenergy.org/site/show_list/id/13)

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