



# FRACKING WASTE ROAD SPREADING (S.48/A.211)

## MEMORANDUM OF SUPPORT

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An ACT to amend the Environmental Conservation Law, in relation to prohibiting the use of waste from oil or natural gas extraction activities on any highway

### Summary of Legislation

This bill would prohibit the application of any waste associated with oil or natural gas extraction activities, including hydraulic fracturing (fracking), and any waste generated from oil or natural gas storage on roads for de-icing, dust suppression, or any other purpose.

### Statement in Support

With required approval, the New York Department of Environmental Conservation currently allows the use of oil and natural gas production brine from low-volume hydraulic fracturing operations to be spread on roads for de-icing, dust control, and road stabilization purposes. Brine from natural gas storage is also used for the same purpose. This waste can run off into adjoining property and contaminate nearby fields and water supplies. Brine testing results revealed extremely high levels of chloride, which can corrode infrastructure and harm aquatic life and vegetation. Benzene, a carcinogen linked to blood cancers, and toluene, linked to nervous system, kidney, and liver problems, were also present. These contaminants pose an unacceptable threat to many of New York's economic drivers, such as agriculture, tourism, food and beverage, and outdoor recreation. If consumers learn that drilling waste, from low-volume or high-volume hydraulic fracturing, has been spread near producers their confidence in the safety of NYS products will be compromised. Whether contamination actually occurs or not, it is arguably too late if consumers begin questioning safety.

Fifteen New York counties have now passed measures banning road spreading of drilling waste, many of which passed unanimously. While we applaud the county legislatures that have stepped up to the plate to protect their communities and industries, a statewide solution is essential to cover state roads as well. Plus, contamination is not contained by political boundaries. It is time for the New York State Legislature to follow these counties lead and enact statewide legislation protecting all New Yorkers, and especially NYS businesses dependent on shared resources that would be threatened by the application of untreated drilling waste to nearby roads.

**The NYS Sustainable Business Council strongly supports this legislation.**

### **THE NEW YORK STATE SUSTAINABLE BUSINESS COUNCIL (NYSSBC)**

is an emerging alliance of business organizations and businesses committed to advancing a vibrant, just, and sustainable economy in New York State. We promote practical strategies and policies that build strong local economies, incentivize investment and innovation in clean technologies and alternative energy sources, and advance the development of sustainable communities in New York State.