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125th District

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April 20, 2015

Governor Andrew Cuomo
Executive Chamber
NYS Capital
Albany, NY 12224

Dear Governor Cuomo:

Four months have elapsed since your administration announced its landmark shale fracking policy with Dr. Zucker's health report, wherein it was stated:

"Until the science provides sufficient information to determine the level of risk to public health from HVHF (high-volume hydraulic fracturing) to all New Yorkers and whether the risks can be adequately managed, DOH (Department of Health) recommends that HVHF should not proceed in New York State."

As I said at the time, I am grateful for your decision to let the science prevail in order to safeguard our state's environment and public health from shale fracking. I also would like to commend your Environment and Health Commissioners, Joe Martens and Dr. Howard Zucker, and all of their dedicated staff who worked on A Public Health Review of High Volume Hydraulic Fracturing (HVHF) For Shale Gas Development.

I am writing today to urge that the Public Health Review guide New York's shale gas extraction decisions in the years to come and not just "at this time" as Commissioner Martens stated on December 17th of last year. See: <http://www.dec.ny.gov/press/100055.html>

Commissioner Martens said: "DEC will incorporate the findings of the public health review into the Final SGEIS [Supplemental Generic Environmental Impact Statement], which will be released with a response to public comments early next year. A minimum of 10 days later, Commissioner Martens will issue the findings statement prohibiting HVHF [high-volume hydraulic fracturing]. This action will conclude the State Environmental Quality Review Act process for HVHF."

Many of my constituents are concerned that your administration proposes to implement the Public Health Review's findings and recommendations by adopting a Final SGEIS.

As you well know, tens of thousands of government officials, academic researchers, health care professionals and citizens in my district and across the state expressed grave concerns about both the original Draft SGEIS, as well as the subsequent Draft SGEIS "revised" pursuant to Executive Order No. 41. Those draft SGEIS documents contain information that has not been updated for more than five years.

You also received two bipartisan letters from me and nearly 100 other legislators in both the Assembly and the State Senate which requested that several critical issues be resolved in any Final SGEIS.

Given these wide-ranging concerns, I feel strongly that public participation is warranted at this critical final juncture so that the SGEIS proceeding can be concluded openly, transparently and with full assurance that all appropriate shale fracking concerns are properly addressed.

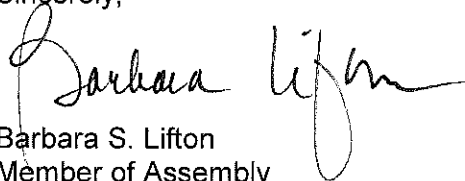
DEC currently proposes to accept public comments for ten days after the Final SGEIS is adopted, but the proposal would take effect without revision. This approach seems to me inadequate for this monumentally important matter because public input would not be incorporated into the Final SGEIS.

Therefore, I urge you to require DEC to provide written public notice, as well as an opportunity for review and comment regarding the scope of the Final SGEIS before it is proposed for adoption. This would allow DEC to address public concerns in its Final SGEIS proposal.

In short, I believe the only way New Yorkers will have full confidence in any Final SGEIS is to make clear how the findings of the Public Health Review would be implemented -- and whether, for instance, there would be a re-opener and what process would be followed if there were a re-opener -- and to allow concerned citizens to comment meaningfully on that proposal.

Thank you for your consideration of this request and for your leadership on this critical issue. As always, I am happy to discuss this further with you or your Commissioners at any time.

Sincerely,



Barbara S. Lifton
Member of Assembly
125th District

cc: DEC Commissioner Joseph Martens
DOH Commissioner Howard Zucker