



Riverkeeper's 2021 Legislative Memorandum **Support - A903/S355 (O'Donnell/Hoylman) - Support**

AN ACT to amend the environmental conservation law, in relation to prohibiting the use of drilling fluids, brine, and flowback water from wells, pools or fields on any highway.

Riverkeeper strongly supports this legislation to prevent the use of byproducts from oil and gas extraction on New York's roads. Fracking waste can contain a number of pollutants, such as chemicals, metals, excess salts, and carcinogens like benzene and naturally-occurring radioactive materials. New York's ban on fracking was enacted in large part due to the toxic and radiological contamination associated with the fracking process, including but not limited to the byproducts leftover from the extraction process. This makes it all the more shocking that New York currently allows oil and gas byproducts to be used for de-icing in the winter and dust management in warmer months.

How is this allowed even though New York has banned fracking and the frack-waste loophole (S3392 of 2020)? Well, to determine the practice is "safe," DEC requires testing of only one representative sample per year. However, the constituents of oil and gas brines vary widely over time and differ among source wells. Moreover, the tests ignore the harmful radioactive materials likely to be present. Since 1996 at least 154 approvals for the spreading of oil and gas brine on Central and Western New York roads have been issued. These permits last for five years and are routinely reissued.

Since 2016, over 30 towns and villages have been granted permits to spread oil and gas waste on their roads. It is time for New York to complete its ban on fracking and close the loophole that allows for dangerous chemicals to be spread on NY's roads, endangering clean water and public health. We strongly support the passage of this legislation.

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