

From: DamascusCitizens

Sent: Friday, November 15, 2013 10:00 PM

To: ord.docket@epa.gov; Hanlon, Edward

Subject: Attention Docket ID No. EPA-HQ-ORD-2010-0674

Comment from:

On behalf of Damascus Citizens for Sustainability and NYH2O we are submitting the following information for consideration by the EPA Science Advisory Board and the researchers conducting the nationwide study of high volume hydraulic fracturing impacts.

B. Arrindell

Director

Damascus Citizens for Sustainability

This comment contains a letter and press release on this letter from about 250 health professional - mostly doctors - asking NYS Governor Cuomo

that the state include “a greater emphasis . . . on the potential health impacts that may be associated with gas drilling and hydrofracking.”

October 5, 2011

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Cc:

Joe Martens, Commissioner, NYS Department of Environmental Conservation
Dr. Nirav R. Shah, Commissioner, NYS Department of Health
Dr. Howard A. Freed, Director of the DOH Center for Environmental Health
Senate Majority Leader Dean Skelos
Assembly Speaker Sheldon Silver
Senator Greg Ball
Assemblyman Robert Sweeney
Assemblyman Richard Gottfried

Dear Governor Cuomo,

On behalf of the undersigned organizations and health professionals, we are writing with regard to the revised draft of the Supplemental Generic Environmental Impact Statement (SGEIS) on the Oil, Gas, and Solution Mining Program issued in full in September 2011. We are greatly concerned about the omission of a critical issue related to the development of natural gas using high-volume hydraulic fracturing, or “fracking”: human health impacts.

For the reasons detailed below, we believe that the Department of Environmental Conservation (DEC) must correct this oversight in the continued stages of the State Environmental Quality Review Act (SEQRA) process.

Specifically, we request that the draft SGEIS be supplemented to include a full assessment of the public health impacts of gas exploration and production. This should include analysis of the existing documentation of the baseline health status of the New York State population; systematic identification and analysis of direct and indirect health effects; a cumulative health impacts analysis that includes a reasonable “worst case” assessment; and any potential measures to eliminate these impacts.

Notably, a comprehensive assessment of health impacts is likely to include information—such as mounting costs for health care and air and water pollution mitigation—that could inform how DEC and other agencies, such as the Department of Health (DOH), evaluate and assess cumulative impacts and how DEC reviews any proposed gas development permit applications. A comprehensive Health Impact Assessment (HIA) would be the most appropriate mechanism for this work, conducted by an independent entity such as a school of public health. This request is based in part on the fact that the New York DOH is unwilling to perform this function. Please refer to attached communication from Dr. Howard A. Freed, director of the DOH Center for Environmental Health, stating that “another methodology such as Health Impact Assessment would not provide significant additional information that is not already being covered” in the SGEIS. The undersigned disagree with this conclusion because the SGEIS does not, in fact, consider health impacts.

Next, we believe that a comment period of less than 180 days is not acceptable, for either the medical profession or the public. The medical profession was not adequately consulted during the scoping of the SGEIS and had little input into the draft SGEIS. A minimum of 180 days is necessary for health

professionals to review and comment on the current draft SGEIS which must be reviewed in its entirety since there is no chapter dedicated to human health. The 96 day comment period which DEC has now proposed is also not enough to afford the public an adequate opportunity to express its concerns about potential health impacts given that DEC is also asking the public to comment on draft regulations during that same time period, and that potentially drill-impacted communities are now facing significant post-Irene challenges.

Finally, we strongly request that an independent health professional be appointed to the High Volume Hydraulic Fracturing Advisory Panel, such as a medical doctor with public health experience.

Our requests are based on the following considerations:

- According to SEQRA, the DEC has the authority to consider a wide range of impacts related to environmental actions, including public health. In the current situation, the environmental impacts of gas development include air and water pollution and soil contamination, which are clearly established pathways for health impacts.
- There is established precedent for the inclusion of an HIA in the Environmental Impact Statement process. In 2008, an HIA was completed for the U.S. Bureau of Land Management regarding an oil and gas development proposal in Alaska's North Slope, and a multi-stage HIA for natural gas development and production has been done in Garfield County, Colorado. New York has the opportunity to set the bar equally high as these other states when it comes to the health of its residents.
- Former Governor David Paterson's Executive Order #41 (2010) directing the DEC to undertake further review of high-volume hydraulic fracturing and horizontal drilling specifically cited the need "to ensure that all environmental and public health impacts are mitigated or avoided".
- In December 2009, U.S. Environmental Protection Agency Region 2 submitted its comments on the first draft SGEIS. The agency called for "a greater emphasis...on the potential health impacts that may be associated with gas drilling and hydrofracturing." With this in mind, the agency also suggested that NY's DOH join DEC as co-lead on the SEQRA process and SGEIS document, which was not done. (See attached letter.)
- In February 2011, hundreds of physicians, scientists, and organizations representing thousands of health professionals sent a letter to DOH Commissioner Dr. Nirav R. Shah detailing the risks to human health from various stages of the gas development process and urging co-lead status for the DOH in the SGEIS process. (See attached letter.)
- On May 26, 2011, the NYS Assembly Environmental Conservation and Health Committees jointly held a public hearing on the connection between natural gas development and public health. Testimony by medical professionals and scientists indicated the need for thorough public health investigation before permits for high volume hydraulic fracturing and horizontal drilling are issued. (See attached testimony and letter to you from Committee Chairs Robert Sweeney and Richard Gottfried.)
- There is a growing body of evidence on health impacts from industrial gas development. In Texas, Wyoming, Louisiana, North Dakota, Pennsylvania, and other states, cases have been documented of worsening health among residents living in proximity to gas wells and infrastructure such as compressor stations and waste pits. Symptoms are wide-ranging, but are typical for exposure to the toxic chemicals and air and water pollutants used in oil and gas development and can often be traced to the onset of such

operations. (See attached documents.)

Thank you for your consideration of this information and our requests. We look forward to speaking with you and working together to ensure changes to the SGEIS process that will protect the long-term health and well-being of all New Yorkers.

Sincerely,

(List of signatories attached)

ATTACHMENTS:

1. Letter to NY DOH Commissioner Dr. Nirav Shah from health professionals (February 5, 2011) with CD of footnoted articles.
2. DVD of NY State Assembly public hearing on potential health effects of gas drilling (May 26, 2011).
3. Letter to Governor Cuomo from Assemblymen Robert Sweeney and Richard Gottfried (June 14, 2011).
4. Letter from EPA Region 2 with comments on the first draft SGEIS (December 30, 2009).
5. Theo Colborn, Carol Kwiatkowski, Kim Schultz, and Mary Bachran. "Natural Gas Operations from a Public Health Perspective." International Journal of Human and Ecological Risk Assessment. Accepted for publication; forthcoming 2011.
6. Earthworks Oil & Gas Accountability Project. Flowback: How the Texas Natural Gas Boom Affects Health and Safety. April 2011.
7. Dr. Conrad Daniel Volz, DrPH, MPH. Testimony to the U.S. Senate Committee on Environment and Public Works and the Subcommittee on Water and Wildlife, Joint Hearing on "Natural Gas Drilling, Public Health and Environmental Impacts." April 12, 2011.

SIGNATORIES

Health Professionals

Allan Abramson, MD, Chairman and Professor, Department of Otolaryngology, Hofstra North Shore-LIJ School of Medicine, Hempstead, NY
Judith Abrams, PA, LAc, Trumansburg, NY
Margo Alexander, RN, Trumansburg, NY
David Allyn, Skaneateles, NY
American Academy of Pediatrics District II (New York State)
Holly McGregor Anderson, RN, BS, Executive Director, Breast Cancer Coalition of Rochester, NY
Suzanne Anderson, MD, Trumansburg Family Health Center, Trumansburg, NY
Michelle Bamberger, MS, DVM, Veterinarian, Vet Behavior Consults, Ithaca, NY
Delores Bennett, RN, Unadilla, NY
Phyllis Beren, PhD, Psychoanalyst/Child Psychotherapist, New York, NY
Cassia Berman, Medical Qigong Therapist, Woodstock, NY
Paul Bermanzohn, MD, Psychiatrist, Poughkeepsie, NY
Jennifer Bieler, RN, Memorial Sloan Kettering, NYC, NY
Justin Bishop, RN, Schenectady, NY
Ronald Bishop, PhD, CHO, State University of New York at Oneonta, NY
Ellen Bloom, Integrative Medical Network, Lake Katrine, NY
Michael P. Branigan, CRNA, MS, Middlefield, NY
Kelly K. Branigan, RN, Middlefield, NY
Arlene Bregman, DrPH, White Lake, NY

Maureen Brennan Mercier, Saugerties, NY
John Braunius, Mount Vision, NY
Eva F. Briggs, M.D. Family Practice, Ithaca, NY
Roger Brinkerhoff, LCSW, Milanville, PA
Judith Bromley, RN, Olivebridge, NY
Broome County Medical Society
Christopher Brown, LCSW Delhi, NY
Glenda Brown, RN/Benedictine Hospital, Tivoli, NY
Ronald Burakoff, DMD, MPH, White Lake, NY
Peter Burgevin, RN, Trumansburg, NY
Carole Busch, Brooklyn, NY
Drs. Jeffrey and Marybeth Carlberg, Family Practice, Skaneateles, NY
Patricia Carlson, NYS LMT, Ithaca, NY
Jennifer Carroll, MD, MPH, Assistant Professor of Family Medicine and Oncology, University of Rochester Medical Center, Attending Physician, Brown Square Health Center, Rochester, NY
Edgar Charles, MD, Rockefeller University and Manhattan VA Hospital, NYC, NY
Kevin Chatham-Stephens, MD, Pediatrics and Preventive Medicine, Mount Sinai School of Medicine, NY
Lolline Chong, St. Luke's-Roosevelt Hospital, Astoria, NY
Sheryl Collins BSMT, ASCP, Schenectady, NY
Nancy Cook, Licensed Psychologist, Painted Post, NY
John David Cooke, MD, Family Practice, Trumansburg Family Health Center, Trumansburg, NY
Linda Corshon, Healthcare Consultant, Livingston Manor, NY
Janet Corson-Rikert, MD, Pediatrics and Adolescent Medicine, Ithaca, NY
Ann Costello, MD, Internal Medicine, Ithaca, NY
John Costello, MD, Internal Medicine, Ithaca, NY
Deborah Covi, member of ADHA, Glenford, NY
John A. del Campo, DDS, Alfred, NY
Marcel Crago, Woodstock, NY
Daria B. Crittenden, MD, NYU School of Medicine, Dept of Rheumatology, New York, NY
Jane Crowe, RN, New Springfield, OH
Jonathan E. Cryer, MD, Otolaryngology - Head and Neck Surgery, Ithaca, NY
Margaret Davidson, RN, VNS, Hancock, NY
Lennard Davis, University of Illinois, Department of Medical Education, Bronx, NY
Susan Delone, PhD, Clinical Psychologist, Doylestown, PA
Wendy DeMarzo, Rochester, NY
Roland A. DeSilva, Managing Partner, desilva + phillips, NYC, NY
Dyan Diemer, NYS LMT, NYC, NY
Karen Dipane, RN, Callicoon, NY
Ann Dnistrian, PhD, Laboratory Medicine, South Ozone Park, NY
Robert M. Donius, Clare College Mentor, St. Bonaventure University, St. Bonaventure, NY
Diane Dougherty, RN, Brooktondale, NY
Dr. Christine K. Durbak, Chair and CEO, World Information Transfer, Inc., NYC, NY
Larysa Dyrszka, MD, Pediatrician, Bethel, NY
Padma Dyvine, RN, CHPN, Hospice of Orange and Sullivan Counties, Hurleyville, NY
Kathleen E. Dyman, Executive VP, on behalf of the Medical Societies of the Counties of Oneida, Herkimer, Madison, Chenango, Oswego and Cayuga
Martin Ehrlich, MD, MPH, CAC, Integrative Medicine, Beth Israel Hospital Continuum Center for Health and Healing, NYC, NY
Joan Farber, Clinical Psychologist, NYC, NY
Lisa Fawcett, CSW/psychoanalyst, New York, NY
David Feldshuh, MD, PhD, Emergency Medicine, Cayuga Medical Center, Ithaca, NY
Karen Felker Harrity, RN, Cortland County Health Department, Cortland, NY
Donna Fellenberg, LCSW, Psychotherapist, Callicoon, NY
Philip L. Ferro, MD, Professor, OB/GYN, Director of Family Planning, Associate Director-Residency Program SUNY Upstate Medical University, Syracuse, NY

Donna Flayhan, PhD, Professor, State University of New York at New Paltz, Director, The Lower Manhattan Public Health Project
Christopher Fordice, Research Chemist, Ithaca, NY
William Foresman, MD, President of the Medical Staff, Auburn Memorial Hospital, Auburn, NY
Elaine Frank, CSW, Philadelphia, PA
Jerry Freedner, MD, Valatie, NY
Amy E. Freeth, MD, Attending, Department of Endocrinology; Medical Director, Comprehensive Diabetes Program; Research Scientist, Bassett Healthcare Network, Cooperstown, NY
Neil Friedman, Institute for Expressive Analysis, Brooklyn, NY
Ruth Garbus, Therapist, Woodstock, NY
Sharon Gary, NYS LPT, NYC NY
Carol Gehl, RN, retired, Chippewa Falls, WI
Leon F Gerard, DDS, Boca Raton, FL
Annelise Gerry, Gerry Foundation, Bethel, NY
Margarita Gershik-Gleyzer, LMSW, MA, Orange Regional Medical Center, Bethel, NY
Cindy Gieger, RN, Jeffersonville, NY
Daniela Gioseffi, Retired Professor, Brooklyn, NY
Andi Gladstone, Executive Director, New York State Breast Cancer Network
Donald Glauber, PhD, Vestal, NY
Andrew F. Gold, DDS, and Associated Dentists Group, Bronx, NY
Doris Goldberg, MD, MPH, public health physician, Woodstock, NY
Alice Goodman, ASCO POST, Bearsville, NY
Cindy Gordon, MD, Internal Medicine, Dryden, NY
Arnold Gore, Consumers Health Freedom Coalition, New York, NY
David Gould, MD, MBA, Livingston Manor and New York City, NY
John Grant, CSW, Kingston, NY
Alice Grow, RN, Geriatrics and Home Care, Newfield, NY
Savannah Hadler, LMSW, NYC, NY
Adam Hait, RPh, Bethel, NY
Andrew Hall, Colorado Springs, CO
Chad Haller, MD, Ophthalmology, Astoria, NY
Katherine Halton, Willseyville, NY
Sue Hammond, MD, retired, Syracuse, NY
Jay Hanas, Biochemist/Toxicologist, Dundee, NY
Elaine Hardman, Wellsville, NY
Yusuf Harper, MD, Pure Grown LLC, Norwich, NY
Sueane Hemmer Goodreau, ND, RN, CFNP, Ithaca, NY
Barbara H Heywood, Barton, NY
Nedra Hoffman, MPH, NYC, NY
Magdalena D. Hohn, Internal Medicine, Cayuga Medical Center, Ithaca, N.Y
Carol Hornig, Nutritionist, West Hurley, NY
Claire Robinson Howard, MS, ANP-C, NPP, Syracuse, NY 13202
Antony Hsu, MD, Emergency Physician, Ithaca, NY
Julie Huntsman, DVM, Otsego, NY
Susan J Huxtable, MA, CCC-SLP, Speech Language Pathologist, West Winfield, NY
Susan L. Hyman, MD, Developmental and Behavioral Pediatrician, Rochester, NY
Patricia Jacob, Family Nurse Practitioner, Department of Hematology/Oncology, Bassett Medical Center, Cooperstown, NY
Kenneth Jaffe, MD, Slope Farms, East Meredith, NY
Lucia Jander, MD, Ithaca, NY
Janet L. Johnson, MD, Tully Family Practice, Tully, NY
Chris Jones, PA, Beacon, NY
Sarah Kager, RN, Ithaca, NY
Lila Kalinich, MD, Professor of Psychiatry, Columbia College of Physicians and Surgeons, NYC, NY
Past President of the Association for Psychoanalytic Medicine
Fredric Kardon, MD, Internal Medicine, Ithaca, NY

Lee Karr, PhD, Psychologist, Venice, FL
Suzanne Kates, NYS LMT, Ithaca, NY
David Kauber, NYS LMT, Aurora, NY
Mary Alice Keator, MS, LAc, CNC, Rochester, NY
Basia Kielczynska, MS, L.Ac, Beth Israel Medical Center, Staten Island, NY
Connie Kieltyka, CNM, NP, Olivebridge Midwifery PLLC, Olivebridge, NY
Helen Koerner, Livingston Manor, NY
Katrina Smith Korfmacher, PhD, Deputy Director, EHSC Community Outreach and Engagement Core,
Assistant Professor, Department of Environmental Medicine, University of Rochester, Rochester, NY
Bonnie Koshofer, Occupational Therapist, Schenectady, NY
Judy Kugelmass, PhD, Special Ed and Counseling, Binghamton, NY
Antoinette Kuzminski, MD, Fly Creek, NY
Karen LaFace, MD, Family Medicine Associates of Ithaca, Ithaca, NY
Robert Laurentz, PsyD, PhD, Clinical Psychologist, Cayuga Medical Center, Ithaca, NY
Adam Law, MD, Endocrinologist, Clinical Assistant Professor, Ithaca, NY
Rosa Lee, Holistic Practitioner, Rock Hill, NY
James Leff, DC, Lyons, NY
Lilly Lei, MD, Bovina Center, NY
Gail Lennstrom, Physical Therapist, Delaware Co Public Health, Margaretville, NY
Eric Lessinger MD, Family Medicine, Hospice and Palliative Care, Ithaca, NY
Rebecca Liddell, RN, Downsville, NY
Sam Liebowitz, Double Diamond Wellness, Inc., New York, NY
Jamie Loehr, MD, Cayuga Family Medicine, Ithaca, NY
Andrea Lomanto, The NY Open Center, NYC, NY
James D Lomax, MD, Bethel, NY
Eric London, MD, Psychiatrist and Autism Researcher, New York, NY
Wendy Lubin, New York University Postdoctoral Program, Bronx, NY
James C. Macmillan, MD, President, Tompkins County Board of Health, Ithaca, NY
Judith Maidenbaum, PhD, Licensed New York State Psychoanalyst, NYC, NY
Terry Major, Skaneateles, NY
Barbara Mancroni, RDH, Rock Hill, NY
Dana Mandel, Lifespan PT, OT, and SLP Services, PLLC, King Ferry, NY
John Manning, MD, Associate Professor of Psychiatry, Director of Psychiatry Residency Training, SUNY-
Upstate Medical University, Syracuse, NY
Graham Marks, MAc, Director Acupuncture Clinic/Jones Memorial Hospital, Wellsville, NY
Peter Martin, LMSW, Claryville, NY
Betty Marton, New Paltz, NY
Jonathan Mauser, MD, Cayuga Cardiology, Ithaca, NY
Merle McEldowney, NYC, NY
Nancy McGraw, Public Health Professional, Long Eddy, NY
Ellen M McHugh, MD, Pediatrician, Horseheads, NY
Joy McIlvaine, Nurse Practitioner, NYC, NY
Carol McIntosh, Retired RN, BS, PHN, Oneonta, NY
Susan Mead, Visitng Nurse Service, Ithaca, NY
Mary Menapace, RN, Skaneateles, NY
Michael Messing, DDS, MPH, Copake, NY
Renee E. Mestad, MD, MSCI, Syracuse, NY
Kevin Millar, CRNA, MSN, Owego, NY
Alice Miller, MD, Camillus, NY
Karen Miller, President of Huntington Breast Cancer Action Coalition and Prevention Is the Cure
Susan G. Miller, MD, Internal Medicine, Lansing, NY
Teresa R. Miller, MD, Aurora, NY
Irving Laurice Mintz, MSW, Bio-psycho-social consultant, Staten Island, NY
Gary Mirkin, MD, Pediatrician, Long Island, NY
Christina Mitchell, Certified Healing Touch Practitioner, Walton, NY

Sarah Mitchell, Glen Spey, NY
Susan Moran, Health Professional, Woodstock, NY
Monica Morgan, MD, Department of Emergency Medicine, Ithaca, NY
Lori Anderson Moseman, Ithaca, NY
Amy Moses, LMT, Stone Ridge, NY
Marian Mumford, LCSW, Ithaca, NY
Linda Murphy, RN, Rhinebeck, NY
Ramon JC Murphy, MD, MPH, Professor of Clinical Pediatrics, Mt Sinai Medical Center, NYC, NY
Nurit Nardi, Inner Connection, Highland, NY
Laura Neiman, Psychologist, New York, NY
John Nelson, PhD, CPNP, Nurse Practitioner, Livingston Manor, NY
Kaima Nelson-Bowne, LMT, Franklin, NY
Jamie Noeth, Body, Mind and Spirit, Mongaup Valley, NY
Kathleen Nolan, MD, MSL, Bioethics Consultant, Mt Tremper, NY
Mary O'Brien, MD, Columbia University Health Service, NYC, NY
Richard O'Keefe, MD, Columbia University, NYC, NY
Elaine Olshan, Social Services, Smallwood, NY
Robert Oswald, PhD, Biochemistry, Cornell University, Ithaca, NY
Michelle Oswald, Ithaca, NY
Otsego County Medical Society
Lili Packer, RN, COHN, Retired, Catskills, NY
Elizabeth Parker, RN, Tivoli, NY
Sheldon Pasternack, Monticello, NY
Paula Patell, RN, Auburn, NY
Vincent M. Pedre, MD, Clinical Instructor, Mt. Sinai School of Medicine; Medical Director, Pedre Integrative Health, New York, NY
Monica Perrotti, RN, Clinton, NY
Mike Pesci, PA, Syracuse, NY
Rhonda Peterson, MD, Hornell, NY
Physicians, Scientists and Engineers for Healthy Energy
Carol Piciullo, RDH, Laurens, NY
SJ Pike, Federal employee, New York, NY
Beatrice Plasse, MSW, PhD, Columbia University, NYC, NY
Lou Priem, MD, ICU physician, Cooper, NY
Sophia Prybylski, Retired, Prattsville, NY
Joseph Martin Quezada, DPM, AACFAS, Podiatrist, Ithaca, NY
Rose Marie Raccioppi, APOGEE Learning™ Tappan, NY
Dr. Donald Raddatz, Chief, Department of Rheumatology, Bassett Medical Center, Cooperstown, NY
Alice Radosh, Psychologist, Lake Hill, NY
Margaret Rafferty, DNP, MPH, RN, NYC, NY
Leia Raphaelidis, FNP, Ithaca, NY
Sue Rapp, LCSW-R, Vestal, NY
Elizabeth Rappaport, RN, Gardiner, NY
Carol Flamm Reingold, NYS LMT, New York, NY
Jeannette Rice, MSHEd, Rensselaerville, NY
Barbara Rosen, MD, Psychiatrist, OMH, Woodstock, NY
Chris Rosenthal, Harmony Hill Retreat Center, East Meredith, NY
Stacey Rosenzweig, MD, Chestnut Ridge Pediatric Associates, Woodcliff Lake, NJ
Toby Rossman, PhD, Nelson Institute of Environmental Medicine, NYU-Langone Medical Center, Tuxedo Park, NY
Peter O. Rostenberg, MD, Internal Medicine and Public Health, Sherman, CT
Allan B. Rubin, MD, Professor NY Medical College, Nanuet, NY
Renee A. Ryan, MD Family Practice / Urgent Care, Ithaca, NY
Madelon Sann, LCSW, Mental Health Practitioner, New York, NY
Barbara Sarah, LCSW, Third Opinion, Kingston, NY
William R. Sawyer, PhD, D-ABFM, D-ABFE, Toxicologist, Skaneateles, NY

Naomi Schechter, PhD, Psychologist, New York, NY
Cynthia Schnedeker, FNP-C, Occupational Medicine, Ithaca, NY
Peter Schwartz, MD, Ophthalmology / Pediatric Ophthalmology, Ithaca, NY
Diane Schwarzbrott, RN, Huntington Station, NY
Jan Shapiro, RN, Hospice Inc, Wallkill, NY
Joan Sheehan, President, and Margaret Roberts, Program Coordinator, Capital Region Action Against BreastCancer (CRAAB)
Perry Sheffield, MD, MPH, Assistant Professor, Pediatrics and Preventive Medicine, Mount Sinai School of Medicine, New York City, NY
Avni Shetreat-Klein, MD, Rehabilitation Medicine, Assistant Professor, Mt Sinai Hospital, NYC, NY
Maya Shetreat-Klein, MD, Pediatric Neurologist, Clinical Assistant Professor, Albert Einstein College of Medicine, Bronx, NY
Howard Silcoff, MD, Family Medicine, Dryden, NY
Marjory Slobetz, CSW, Brooklyn, NY
Susan Soboroff, MD, Ithaca Free Clinic and PNHP, Trumansburg, NY
Irene Soloway, Albert Einstein College of Medicine, New York, NY
Gregg StClair, LAc, MS, St.Clair Family Health, Clifton Park, NY
Sandra Steingraber, PhD, biologist, author, Distinguished Scholar in Residence, Department of Environmental Studies, Ithaca College, Ithaca, NY
Izetta Stern, CSW, NYC, NY
Sally Steedman, Nurse, NYC, NY
Jeff Snedeker, MD, Northeast Pediatrics and Adolescent Medicine, Ithaca, NY
Kenneth R. Spaeth, MD, MPH, Hastings on Hudson, NY
Kathleen Sumner, Collaborative Healing Physical Therapy, Fonda, NY
Wayne E. Sygman, DC, Sygman Chiropractic, Levittown, NY
Carolyn Tavares, RN, Ithaca, NY
Melissa W. Thibault, MD, Physical Medicine & Rehabilitation, Ithaca, NY
Brooke Tinney, Dweller By The Stream Inc., Boiceville, NY
Natasha Tolaram, CSW, Jersey City, NJ
Paul F. Torrasi, MD, Clinical Associate Professor, SUNY Upstate Medical University, Syracuse, NY
Andrea Torrado, MD, Pediatrician, Ithaca, NY
Tompkins County Medical Society
Wayne Tusa, Environmental Risk, New York, NY
William Tyler, MD, retired physician (oncology), Dryden, NY
Marguerite Uhlmann-Bower, Registered Nurse, Herbalist, East Meredith, NY
Mary Jane Uttech, Deputy Public Health Director, Cortland County Health Department, Cortland, NY
Janet Waterston MSW, Queens, NY
Muhammad Wattoo, MD, Internal Medicine, Ithaca, NY
Heather Wdowin, NMD, CA
Laura Weinberg, President, Great Neck Breast Cancer Coalition, NY
Ellen White Weir, Goldpetals, Cooperstown, NY
Jonathan Weiss, MD, Swan Lake, NY
Richard Weiskopf, MD, affiliated with Physicians for Social Responsibility, Syracuse, NY
William Weissman, New York Chiropractic College, Lake Hill, NY
Helene Weissman, Woodstock, NY
Laura Weinberg, President of Great Neck Breast Cancer Coalition
Robin Whelan, retired LTC nurse, Luterville-Timonium, MD
Ben Williams, MPH, George Washington University, Washington, DC and Ithaca, NY
Nena Winand, DVM, PhD, Department of Molecular Medicine, College of Veterinary Medicine, Cornell University, Ithaca, NY
Rebecca Woutersz, LAc, Delmar, NY
Emily Wurth, MPH, Water Program Director, Food & Water Watch
Margo A. Yntema RN, Willseyville, NY
Wendy S. Ziecheck, MD, Internal Medicine, CEO/President: Park 55 Medical Associates, New York, NY
David Zimmerman, MD, NYC, NY

Organizations

Advocates for Cherry Valley, Inc., Lynn Ellen Marsh
Advocates for Morris, Maureen Dill
Advocates for Springfield, Harry Levine
Allegany County Concerned Citizens, Shari Collins
Binghamton Regional Sustainability Coalition, Chris Burger
Breast Cancer Coalition of Rochester, Holly Anderson
Capital Region Action Against Breast Cancer (CRAAB!), Margaret Roberts, Program Coordinator
Catskill Citizens for Safe Energy, Bruce Ferguson
Catskill Mountainkeeper, Wes Gillingham
Chenango Community Action for Renewable Energy (C-CARE), Erin Heaton
Church Women United of New York State, Mary Smith
Citizens Campaign for the Environment, Adrienne Esposito
Citizens to Preserve the Character of Skaneateles, Holland C. Gregg
Croton Watershed Clean Water Coalition, Inc, David Ferguson
Coalition to Protect NY (CPNY), Jack Ossont
Coalition to Stop the Minisink Compressor Station, Pramilla Malik
Committee to Preserve the Finger Lakes, Edward Seus
Concerned Citizens of Danby, Gay Garrison RN
Concerned Citizens of Town of Oneonta, Maria McMullen
Concerned Citizens of Ulysses, Michelle Bamberger, DVM
Cortlandt W.A.T.C.H., Susan McDonnell
Damascus Citizens for Sustainability, Barbara Arrindell
Delaware Riverkeeper Network, Tracy Carluccio
Dryden Resource Awareness Coalition, Marie McRae
Earthjustice, Deborah Goldberg, JD, Managing Attorney
Earthworks' Oil & Gas Accountability Project, Nadia Steinzor
Empire State Consumer Project, Inc., Judy Braiman
Environment New York, Eric Whalen
Environmental Advocates of New York, Rob Moore
Food & Water Watch, Water Program Director, Emily Wurth, MPH
Frack Action, Julia Walsh
Friends of Butternuts, Michele Farwell
Friends of Decatur, Gail Sondergaard
Friends of Vestal, Sue Rapp
Gas Drilling Awareness for Cortland County (GDACC), Sheila Cohen
Gas Free Seneca, Yvonne Taylor
GASLAND, Josh Fox
Grassroots Environmental Education, Patti Wood
Great Neck Breast Cancer Coalition, Laura Weinberg
Groton Resource Awareness Coalition, Sharon Kohkonen
Highland Concerned Citizens, Carol Roig
Huntington Breast Cancer Action Coalition, Prevention Is the Cure, Karen Miller
Keuka Residents Against Hydrofracking, Joe Hoff
Residents Opposing Unsafe Shale-Gas Extraction (ROUSE), Bill Podulka
Marcellus Accountability Project--Tompkins (MAP--Tompkins), Sandy Podulka
Middlefield Neighbors, Kelly Branigan
Neighbors of the Onondaga Nation (NOON), Jack Ramsden
New York Residents Against Drilling (NYRAD), Kevin Millar
New York State Breast Cancer Coalition, Andi Gladstone
Northeast Organic Farming Association of New York, Inc. (NOFA-NY), Lea Kone

New York Public Interest Research Group Fund, Inc., Watershed Protection Coordinator, Cathleen Breen
Otsego 2000, Nicole A. Dillingham, JD
Otsego Neighbors, Julie Huntsman DVM
People for a Healthy Environment, Doug Couchon
Protect Laurens, Kristina W. Turechek
Rabbit Creek Farm, Dyan Hazer-Lombardi
Riverkeeper, Inc, Katherine Hudson, Watershed Program Director
Roseboom Owners Awareness Response (ROAR), Allegra Schechter and Lynn Ellen Marsh
Sanford/Oquaga Area Concerned Citizen's group (SOACC), Kathy Klopchin
Shaleshock Action Alliance, Sara Hess
Sierra Club Atlantic Chapter, Roger Downs
Sullivan Area Citizens for Responsible Energy Development, Wendy Robinson, JD
Summerhill Gas Action, Shannon Caldwell
Tioga Peace and Justice, Cecile Lawrence, PhD, JD
United for Action, David Braun
Upper Unadilla Valley Association, Lorraine McNulty
Westchester for Change, Susan Van Dolsen and Ellen Deixler

PRESS RELEASE

Media Contact: Bob Liff, M+R Strategic Services - bliff@mrss.com or 917-287-7089

MORE THAN 250 DOCTORS, MEDICAL AUTHORITIES SAY HYDROFRACKING REVIEW GIVES SHORT SHRIFT TO CONCERNS ABOUT PUBLIC HEALTH

CALL FOR PREPARATION OF INDEPENDENT HEALTH IMPACT ASSESSMENT BEFORE STATE MOVES AHEAD WITH PERMITS

STATE IS IGNORING HEALTH RISKS, FEDERAL REVIEW AND ITS OWN EXECUTIVE ORDER IN RUSHING TO APPROVE HYDROFRACKING PERMITS

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More than 250 pediatricians, family practitioners, otolaryngologists, endocrinologists, oncologists and other doctors, along with the Medical Societies of at least seven upstate counties and the regional office of the American Academy of Pediatricians, wrote to Governor Cuomo today, warning that the state has failed to analyze public health impacts of hydraulic fracturing in its rush to approve permits for drilling.

“We are greatly concerned about the omission of a critical issue related to the development of natural gas using high-volume hydraulic fracturing, or fracking: human health impacts,” the doctors and medical authorities wrote.

(NOTE: A copy of the medical authorities’ letter to Governor Cuomo, along with supporting documentation, is available at www.psehealthyenergy.org.)

Noting that hydrofracking will likely increase health care costs in communities where drilling is likely, as well as increasing costs to mitigate water and air pollution, the medical authorities called on Governor Cuomo to immediately request an independent school of public health to conduct a Health Impact Assessment (HIA), since the state’s Department of Health has said it is unwilling to do so.

The letter notes that the state rejected recommendations from the federal Environmental Protection Agency, in an earlier review of a draft of the Department of Environmental Conservation’s Supplemental Generic Environmental Impact Statement or SGEIS, that the state include “a greater emphasis . . . on the potential health impacts that may be associated with gas drilling and hydrofracking.”

The EPA called for the state Health Department to join with DEC as co-lead agency on the environmental reviews, which the DEC did not do. The lack of consideration of hydrofracking’s impact on public health violates former Governor David Paterson’s Executive Order #41 (2010) specifically directing the DEC to undertake further review of hydrofracking and the impacts of the horizontal drilling deep underground “to ensure that all environmental and public health impacts are mitigated or avoided.”

"Hydrofracking has the potential to significantly destroy the water, air and soil of communities in and around the drilling areas and to effect large state aquifers providing water for millions of families across New York," said Henry Schaeffer, MD, FAAP, Chair, American Academy of Pediatrics, District II, NYS. "As pediatricians, we are very concerned about how the negative environmental outcomes may impact children's health, development and general well being in the hydrofracking areas and beyond. Children are far more susceptible to environmental toxins, since they absorb and metabolise toxins at a higher rate for their body mass."

"As the doctors who care for children, we urge caution and more study." Dr. Schaeffer said. "Our children are depending on us to protect them. And in this instance, we must take a stand and do just that. We urge New York state government and our state's citizens to slow down what appears to be an unnecessarily fast approval process for hydrofracking in New York."

Rob Moore, executive director of Environmental Advocates of New York and member of the state's Hydrofracking Advisory Panel, said the Department of Health told his panel that it could assess public health impacts based on data in other states, but that such an assessment was never prepared.

"At the second panel meeting I asked if Governor Cuomo had directed the agency to conduct such a study and the Department of Health's answer was 'no'," said Moore. "Moreover, the agency said they would only study public health impacts and conduct toxicological studies once drilling is underway in New York State."

Dr. Adam Law, a physician specializing in endocrinology and a Clinical Assistant Professor of Medicine at Weill-Cornell Medical College, said medical professionals agree that the time to conduct that health assessment is before drilling gets underway, not afterwards.

"The SGEIS certainly mentions many of the toxic chemicals employed in hydraulic fracturing, the harmful substances in the flowback-produced waters, the vented volatile organic compounds, the production of ozone, among other potential pollutants known to cause human disease," said Dr. Law, who is also a board member of Physicians, Scientists and Engineers for Healthy Energy, a group that is conducting a series of scientific assessments of the SGEIS. "But there is no attempt to evaluate the kinds of health consequences that have already been observed in affected communities in those states where hydraulic fracturing is taking place."

"Because of this glaring omission, this document does not provide a way to form a responsible, evidence-based opinion as to how this industrial process will affect the health of the New Yorkers, nor if adverse effects can be effectively mitigated," said Dr. Law. "Until there is a formal, independent, health impact assessment conducted by recognized public health researchers, the moratorium on hydraulic fracturing should remain in effect."

Dr. Sandra Steingraber, PHD, a biologist and Distinguished Scholar in Residence in the Department of Environmental Studies at Ithaca College, asked how New York could release a 1,000 pages EIS and not address health impacts.

“We know with certainty that fracking will increase smog and exposure to diesel exhaust and particulates,” said Steingraber, who is also an author and cancer survivor who lives in an area of the Marcellus Shale that would be targeted for hydrofracking. “We know with certainty that exposure to these chemicals, in early life, is associated with preterm birth, asthma, and lowered I.Q. in children, and risk of stroke, heart attack, breast cancer, and diabetes in adults. How many premature deaths will fracking cause in New York State? What are the medical costs? “

Dr. Larysa Dyrzka, pediatrician and advocate for children's right to health, said “The duty of government is to protect the health and safety of its citizens. Policies with far-reaching consequences such as this must take into account the health of the most vulnerable--the largest vulnerable population being children. Children's metabolism makes them highly susceptible to toxins and that fact has not been considered in the SGEIS. For that reason, and others, we are calling on the Governor and the DEC to order a health impact assessment, and it should be completed and evaluated before moving on with this process.”

Signers of the letter to Cuomo also include the medical societies of Herkimer, Madison, Chenango, Oswego, Cayuga, Tompkins and Otsego counties, along with the American Academy of Pediatrics District II (New York).

The medical authorities' letter came in part in response to Governor Cuomo's commitment to rely on science and health concerns in considering the SGEIS, which calls for the issuance of hydrofracking permits throughout the state with the exception of the New York City and Syracuse watersheds.

The DEC claims it exempted the two major municipal watersheds because their water is not filtered, warning that allowing hydrofracking there could lead federal authorities to order the installation of multi-billion dollar water filtration systems.

But two weeks before the medical authorities wrote the Governor, a group of 59 scientists from around the world with expertise in water treatment systems, aquatic chemistry or biogeochemistry, wrote him warning that existing municipal drinking water filtration systems are not designed to handle the chemicals and other contaminants included in the flow-back from fracking.

Pennsylvania, which allows hydrofracking in areas near New York's Southern Tier where many hydrofracking permits would be issued, last spring moved to ban sending contaminant-laden flowback through public filtration systems because nearby waterways showed evidence of contaminants.

The medical authorities' letter also cites growing evidence from hydrofracking in Texas, Wyoming, Louisiana, North Dakota and Pennsylvania that documents worsening health metrics among residents living close to gas wells and related infrastructure such as compressor stations and waste pits. Those symptoms can often be traced to the onset of such drilling operations.

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