Comment from Karen Feridun, Better Path Coalition re: A People's Budget: The Environment

Thank you for allowing me the opportunity to comment on behalf of the members of the Better Path Coalition, a statewide frontline and grassroots-led coalition calling for an end to shale gas development in Pennsylvania.

The methane molecule that enters the atmosphere as you read this will still be there when it's too late to avoid the worst impacts of climate change. That should be the only reason the state needs to draw down shale gas development as quickly as possible.

Hours before your hearing, the Delaware River Basin Commission is anticipated to vote to ban fracking in the basin, something they have been preparing to do since 2017. It is the Commission's view that "fracking activities have resulted in impairment to water resources, the environment, human health, and ecosystem health." Their assessment is backed up by roughly 2,000 peer-reviewed studies, reports, and government documents that point to an even wider range of impacts than those the Commission identified.

An analysis of the research concludes that there is "no evidence that fracking can be practiced in a manner that does not threaten human health directly and without imperiling climate stability upon which public health depends." If there's any need for a second reason for a draw down, that's it.

Unfortunately, Pennsylvania shows no sign of slowing production of greenhouse gases. To the contrary, the state is trying hard to help the industry expand its operations. To make matters worse, there doesn't appear to be any evidence to suggest that regulators in Pennsylvania have had the capacity for or interest in trying to make those operations as safe as possible. In 2014, then-Auditor General Eugene DePasquale described the Department of Environmental Protection as being "woefully" unprepared to manage shale gas development. Last year, a Grand Jury "uncovered systematic failure by government agencies in overseeing the fracking industry and fulfilling their responsibility to protect Pennsylvanians from the inherent risks of industry operations."

Several years ago, I was part of a group that met with DEP's O&G chief Scott Perry and members of his staff. In our first meeting, he told us that he was working in another division of the DEP when fracking was on the horizon. He told us that he moved to the oil & gas division because he could tell it was going to be big and wanted to be where the action was. It is unacceptable to call something the big new thing and then treat it like the old thing, but that's what Pennsylvania did.

New York and Maryland banned fracking before ever allowing it to begin based on studies they did. No such studies were done in Pennsylvania. Pennsylvanians were treated like test subjects in a real time laboratory experiment.

And so it follows that the state that allowed its citizens to become externalities in the industry's business plan also refused to increase funding of the agencies that would be charged with oversight of the industry. In fact, during the first years of the fracking boom, DEP's budget was cut from "$229 million in

2008 to $125 in 2012." According to the Independent Fiscal Office, the state collected $198 million in Impact Fees in 2019. Of that, only $6 million went to the DEP.

During a decade of cuts, under both Democratic and Republican administrations, the agency was unable to keep up with routine oversight, much less emerging science on previously untested industrial practices. Rather, repeated attempts have been made to make DEP crank out permits faster by streamlining the process, privatizing it, and establishing a Permit Decision Guarantee.

The only solution the DEP has found to stay afloat is to use the fines collected from companies that violate the rules, sometimes with catastrophic consequences. In 2019, Perry explained that the agency was able to avoid a shortfall by using the $30.9 million collected from Energy Transfer for the explosion of the one week-old Revolution pipeline the previous year that leveled one home, damaged other homes, buildings, and vehicles, and traumatized the community. None of the money the DEP collected went to the victims of the explosion.

Similarly, charges resulting from the Grand Jury investigation into Range Resources, Cabot Oil & Gas, and others were filed under the Clean Streams Law, so any fines collected will go to the Clean Streams program. None of it will go to the people who have lost their private drinking water supplies.

Pennsylvanians left to their own devices to get compensation for their losses at the hands of a company enter into nondisclosure agreements that provide them with money in exchange for their silence.

The state has failed Pennsylvanians in every possible way. Given that the overarching issues are ones that threaten our very existence, fully funding the DEP doesn't begin to solve the problem. However, even if the state were to follow the DRBC's lead and ban fracking immediately to avert a climate catastrophe, the legacy issues that remain, like the maintenance of hundreds of thousands of orphaned and abandoned wells in perpetuity, will require staggeringly expensive regulatory oversight. Addressing the countless harms done to Pennsylvanians must become the state's job, rather than the victim's. Funding of the DEP at a level that equips it to deal with the challenges we face must be accompanied by measures that ensure that the state addresses the needs of those shale gas development has already imperiled.