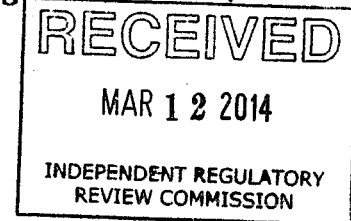


**Comments on proposed changes to Pennsylvania's oil and gas regulations, Ch. 78,  
PA Code**

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My name is Wendy Lynne Lee, **Shale Justice Coalition**. I'd like to begin by reiterating that the public comment period must be expanded to 120 days minimum with more hearings in frack-affected counties. This expansion is crucial not only to insuring that affected people and communities get to be heard, but because being heard is a bulwark of a democracy, however much this state and its agencies routinely ignore it just as they ignore the science relevant to the hazards posed by fracking and its associated infrastructure.

As opposed to commenting on each of the stipulated changes proposed for Ch. 78, I'd like to address the very idea that hydraulic fracturing from well-head to compressor, to pipeline, to export depot, to LNG transport tanker, can be regulated sufficiently to guarantee the ecological integrity, species diversity, human health, property value, or the constitutional right to clean air and water. While perhaps no regulation can offer guarantee against accident, the now well-documented hazards posed by fracking have clearly been shown to be substantial whether or not accidents occur. Hence it is equally clear that no regulation can be adequate to make this process of industrialized extraction safe.

We know that the intent of the industry is not to make fracking safe, but to make it as inexpensive, expeditious, and profitable as possible. Today's hearing on Senate Bill 411, legislation that would render immune to liability the use of acid mine drainage as frack water, SB 1047 that would gut and politicize the process by which species are listed as endangered, or SB 259 that would allow old leases to be treated as newly negotiated, even if the leaseholder declines to permit fracking on her property or didn't know there was an old lease, make plain that regulation in Pennsylvania is written by and crafted for oil and gas. Because fracking is inherently unsafe, the proposed changes to Ch. 78 are inconsistent with Article 1, section 27 of the Pennsylvania Constitution. Given, moreover, the clear legislative pattern we must assume that the intent of the changes is consistent with SB 411, SB 1047, and SB 259—to act to facilitate the interests of the oil and gas industries. What the "proposed changes" really encapsulate, therefore, are the negotiated terms of our surrender to these industries. We at Shale Justice have no interest in acceding to this forfeiture of our autonomy as citizens or our recently reaffirmed right to clean air and water. We'd like to thank Chief Justice Castille for his role in the over-turning of Act 13. To accede to any of these "proposed changes" runs directly contrary to that 4-2 Supreme Court decision.

Here's why:

To wrestle over the details of changes to Ch. 78 presumes that fracking will continue. Many are resigned to this grim possibility. Otherwise, we'd not be haggling over who's responsible for pre-drill water testing, the use of open pits for frack waste water, the definition of fresh water, the disposal of brine, or the status of orphaned wells. Make no mistake: the industry will cry foul that such regulatory changes will cost them too much money, that they are somehow the

injured party. But the facts are that these proposed changes are nothing but crumbs offered to appease us, to convince us that the agencies charged with protecting our air and water actually act to do so. The language here follows the pattern of SB 411 that aims to convert acid mine drainage into "beneficial use" even though its primary effect is to relieve the industry from liability for contaminated water. It follows SB 1047's absurd argument that "endangered" is best determined via economic matrices. It follows SB 259 that empowers the industry to access more land for drilling under the guise of making royalties more transparent. We cannot afford to accede one more inch to oil and gas drilling. Can you imagine what our country-sides, forests, rivers and trout runs will look like if the proposed Dominion export depot at Cove Point Maryland is completed? 7000 wells will become 100,000, and with it we will become a fossil fuel extraction colony owned and operated by multinational corporations.

I urge you say no to more "regulation." Why on earth should we surrender our autonomy, our communities, and our health to a rate of harm? Just as there's no such thing as a little pregnant, there's no such thing as a little cancer, a little asthma, a little bran damage. Many things are negotiable. Some are not. Just as there could be no compromise on apartheid or slavery, there can be none when the stakes are climate change. Whether we like it or not, our responsibilities are global. Hence there's also no such thing as a "special place" unless what we mean is the planet. My yard's a special place. So is yours.

Thank you.

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