



## **LEAGUE OF WOMEN VOTERS<sup>®</sup> OF OHIO**

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### **LWVO Testimony on HB64 – OPERATING BUDGET**

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**Senate Finance Committee, Corrections Subcommittee**

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Our comments on HB64 are exclusively on oil and gas extraction, generally known as fracking. Since this is a complex and controversial subject that deserves detailed attention, the budget is not the appropriate place to consider it. Therefore we urge that Sections 1509 and 3750 be removed from HB64 and introduced as separate legislation. In the interim we offer the following comments.

#### Emergency Planning and Community Right-to-Know Act (EPCRA)

First responders need information about chemicals used in wells before an accident occurs. Well-drilling companies have this information. Good management practice would be for the drillers to provide the chemical information directly to the first responders. The system, perpetuated by HB64, injects a middle man into the process, namely ODNR. This extra link in the chain complicates the information-transfer process. Not only is it bad management technique, it aggravates environmental damage by introducing a source of delay. And any delay could lead to unnecessary deaths and injuries.

We recommend that the chemical lists be provided simultaneously to first responders, medical personnel, and ODNR before drilling commences. The first responders and doctors will have the information they need when they need it and ODNR will have a backup data repository, which should be open to the public.

#### Waste Disposal

As introduced, HB64 contained higher penalties for illegal disposal of fracking waste (Sec. 1509.99). Since the House removed this section by amendment, we urge that it be restored.

The League of Women Voters has long supported measures to protect the environment. In recent years we have been concerned about the safe disposal of wastes from gas and oil production, including radioactive wastes, especially those resulting from fracking. Illegal waste disposal is a criminal act and should be prosecuted accordingly. We therefore support the increase in the penalties for such actions. We also urge the Legislature to provide sufficient funds to effectively monitor and enforce these waste disposal activities.

#### Minimum Setbacks

We are disappointed that this legislation does not increase setbacks for horizontal-drilling. This technology recovers fuels scattered over a large area, allowing great flexibility in well siting. Setbacks can be increased without inconveniencing the driller. The Appendix to this testimony provides a rationale for our recommendation that the well ordinance recently passed in Dallas, Texas serve as a model: “1,500 foot

setback from protected use areas (homes, schools, churches, hospitals, nursing homes, daycare centers, parks, places of employment, hotels/motels and other areas)".

Thank you for your attention. I will be happy to answer any questions.

#### APPENDIX

Scientists have only begun to understand the health consequences of drilling; several publications suggest serious problems. A recent publication (Ref. 1) concludes that "despite a growing body of evidence, a number of data gaps persist." Referring to health risks, the lead author has been quoted as saying "It's clear that the closer you are, the more elevated your risk."

Similarly, if a well hits an earthquake fault, the further from people and structures, the better. According to ODNR "The fact that there are many unmapped faults in the subsurface of the state is dramatized by the large number of small earthquakes that occur in locations at which no faults are mapped." (Ref. 2)

In light of the above it would be prudent to insure that Ohio's setbacks are sufficient to safeguard the health and safety of people living and working near wells. Currently the state allows wells to be as near as fifty feet from a water supply and 150 feet from a building.

A comparison with wind farms is interesting in evaluating setback distances. HB483, passed in June 2014, prescribes wind setbacks of 1250 feet from the nearest property line. These setbacks are so large that new wind farms are unlikely to be built in Ohio. Surely wind farms are not nearly as serious a threat to public health and safety as gas and oil wells.

#### References

(1) Seth B. Shonkoff, et al., *Environmental Public Health Dimensions of Shale and Tight Gas Development*, <http://ehp.niehs.nih.gov/1307866/>

(2) Michael D. Hansen, *Earthquakes in Ohio*, ODNR Educational Leaflet No. 9, 2012