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***Organizations Oppose PA Bill Proposing to Rob the Environment, Communities,
& their Drinking Water of Fracking Protections With False Claim of Takings***

Harrisburg, PA – Today, leading environmental protection organizations challenge Senator Baker for misusing the legislative process to undermine protections from the devastating impacts of shale gas extraction, including drilling and fracking, within the boundaries of the Delaware River watershed. In reaction to a proposal to permanently ban fracking in the Delaware River watershed, SB1189, proposed on June 1, 2018 and currently before the Senate Environmental Resources and Energy Committee, seeks to declare a protective ban on fracking passed by the Delaware River Basin Commission as being a legal “taking” that requires payment by the agency to impacted landowners.

The letter submitted by the Delaware Riverkeeper Network and Berks Gas Truth sent to the Pennsylvania Senate and Governor Wolf declares the “The bill reflects a lack of correct interpretation of the DRBC’s authority and its decision making process. Furthermore, it demonstrates a lack of understanding of the functions of government in general.” A copy of the letter is available at: <https://bit.ly/2JBSLdd>

“Fracking for gas from shale is contaminating drinking water supplies, polluting the air, robbing people of their health, devastating property values and local economies in communities across Pennsylvania. And now Senator Baker wants to shamefully bring this devastation the Delaware River watershed,” **said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.** “In addition, Senator Baker’s bill is setting the precedent that any law or regulation passed that protects our health, safety and environments is unconstitutional unless there is an extortionist payout to impacted property owners. This is an absurd proposal with devastating ramifications if it were to pass. The people of Pennsylvania and the Delaware River watershed are entitled to be protected by their elected representatives, not sacrificed to the industry the way Senator Baker would have,”

“This proposal is one of the most extreme abuses of power that we have seen. This bill is clearly intended to benefit the fracking industry by sacrificing the people and their environment. The Delaware River is the drinking water supply of 17 million people.

The current DRBC prohibition on fracking has prevented more Pennsylvania communities, as well as communities in New York, New Jersey and Delaware from being the next sacrifice zone and a permanent ban would provide needed protection now and for future generations. It is shocking that not only would there be such a blatant effort to advance the industry at the expense of peoples' health and the environment, but that legislators would be so blind to the legal, environmental and economic ramifications of their proposal" **stated Tracy Carluccio, Deputy Director of the Delaware Riverkeeper Network.**

"Equating the protection of the Delaware River Basin by banning fracking with taking of land via eminent domain is maybe the most preposterous thing I've ever heard. I take that back. Legislating such nonsense is the most preposterous thing I've ever heard. If our senators are so concerned with eminent domain, they should speak out against every single fracked gas pipeline where eminent domain is regularly used to actually strip landowners of their rights, something that has never seemed troublesome at all to our legislators," **said Karen Feridun, Founder, Berks Gas Truth.**

Background:

Since 2010 the DRBC has prohibited natural gas extraction projects in the Delaware River Basin while they study its potential impacts on water resources, a *de-facto* moratorium that does not allow permits to be issued until natural gas regulations are adopted.

A mounting call by the public for transforming the current moratorium on natural gas drilling, fracking and related activities in the Delaware River Watershed into a permanent ban has resulted in the proposed fracking ban but the DRBC also included the allowance of frack wastewater discharges and the withdrawal of fresh water for fracking, as instructed by a resolution passed by the DRBC Commissioners at their September 13 public business meeting. The draft regulations were required to be issued by Nov. 30.

Since 2010, scientific analyses, public health statistics, peer-reviewed studies, and government records show that the impacts of gas and oil development significantly harm the environment including our water, air, habitats and communities' health, despite regulatory controls. The experience of communities where fracking is occurring are the proliferation of adverse health impacts due to gas drilling and fracking operations and its inherent air and water pollution. The overwhelming weight of the evidence shows that shale gas cannot be extracted or developed safely, making this the right time to enact a Watershed ban on all gas development.

The five voting members – the Commissioners - of the DRBC are the Governors of the four states whose tributaries flow to the Delaware - Pennsylvania, New York, New

Jersey and Delaware – and the Army Corps of Engineers, representing the federal government. As an autonomous agency formed under federal law to manage the shared waters of the Basin, the Commission members are responsible for protecting the drinking water supplies of 15 to 17 million people, including New York City and Philadelphia, and the federally designated Wild and Scenic Delaware River.

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