

## Section 5 - Municipal Strategies: Adopting a Resolution

The policies set by municipal officials help to guide and inform the municipal regulatory and planning process. A statement of public policy can be expressed in a resolution adopted by the local governing body (8 Pa. C.S. § 3301.1.).

The following sample resolution is offered to assist elected officials in drafting a resolution that calls on the Legislature, government entities, and other decisionmaking bodies invested with the authority to enact and implement a prohibition, moratorium or ban on shale gas development and related operations.

### **SAMPLE MUNICIPAL RESOLUTION**

**WHEREAS**, a fundamental purpose of government is to protect the health, safety, and welfare of citizens;

**WHEREAS**, Article I, Section 27 of the Pennsylvania Constitution affirms that, “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment;”

**WHEREAS**, Article I, Section 27 further declares, “Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;”

**WHEREAS**, there is significant evidence that shale gas development has an adverse effect on public health, property interests, agriculture and on our air, water, and land;<sup>1</sup>

**WHEREAS**, no Pennsylvania or regional agency has conducted a comprehensive assessment of the cumulative and long-term impacts of hydraulic fracturing and related shale gas development activities;

**WHEREAS**, the absence of such an assessment makes it impossible to determine whether shale gas development can proceed safely and prevents the appropriate management of the harms associated with shale gas development, including risks to public health, property values and the clean air and water upon which all citizens and businesses depend;<sup>2</sup>

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1 PSE Healthy Energy Library, [https://www.zotero.org/groups/pse\\_study\\_citation\\_database/items](https://www.zotero.org/groups/pse_study_citation_database/items); See, e.g., Jemielita, et al., Unconventional Gas and Oil Drilling Is Associated with Increased Hospital Utilization Rates, (July 2015), <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0131093>; Delaware Riverkeeper Network, “Unsafe and Unsustainable,” [http://www.delawariverkeeper.org/Documents/DRN\\_Report\\_Unsafe+Unsustainable\\_fr.pdf](http://www.delawariverkeeper.org/Documents/DRN_Report_Unsafe+Unsustainable_fr.pdf)

2 For examples of risks not considered, see E.L. Rowan, et al., Radium Content of Oil- and Gas-Field Produced Waters in the Northern Appalachian Basin (USA): Summary and Discussion of Data, United States Geological Survey (“USGS”) Scientific Investigations Report 2011-5135 (2011); “NIOSH Field Effort to Assess Chemical Exposure Risks to Gas and Oil Workers,” <http://www.cdc.gov/niosh/docs/2010-130/pdfs/2010-130.pdf>; “CDC scientist: tests needed on gas drilling impact,” Wall Street Journal, January 4, 2012, <http://online.wsj.com/article/AP8338b702930849f49d22a5d96b7d1b2d.html>; OSHA-NIOSH, “Worker Hazard Alert: Worker Exposure to Silica during Hydraulic Fracturing,” [http://www.osha.gov/dts/hazardalerts/hydraulic\\_frac\\_hazard\\_alert.pdf](http://www.osha.gov/dts/hazardalerts/hydraulic_frac_hazard_alert.pdf) (“Recent NIOSH field studies identified overexposure to airborne silica as a health hazard to workers.”); E.T. Slonecker, et al., Landscape Consequences of Natural Gas Extraction in Bradford and Washington Counties, Pennsylvania, 2004-2010, USGS Open File Report 2012-1154 (2012); E.T. Slonecker, et al., Landscape Consequences of Natural Gas Extraction in Allegheny and Susquehanna Counties, Pennsylvania, 2004-2010; USGS Open File Report 2013-1025 (2012); P.J. Drohan, M. Brittingham, J. Bishop, and K. Yoder, Early Trends in Landcover Change and Forest Fragmentation Due to Shale-Gas Development in Pennsylvania: A Potential Outcome for the Northcentral Appalachians, Environmental Management, (2012) at 1, 4-6, 9-13; American Water Works Ass’n, “Water and Hydraulic Fracturing: A White Paper from the American Water Works Association” (2013) at 4 (describing degradation of well casing over time); Michelle Bamberger & Robert E. Oswald, Impacts of Gas Drilling on Human and Animal Health, New Solutions, 2012, at 54-61; U.S. Geological Survey Powell Center for Analysis and Synthesis, “Water Quality Studied in Areas of Unconventional Oil and Gas Development, Including Areas Where Hydraulic Fracturing Techniques are Used, in the United States,” April 2012, [http://pubs.usgs.gov/fs/2012/3049/FS12-3049\\_508.pdf](http://pubs.usgs.gov/fs/2012/3049/FS12-3049_508.pdf) (“The effects of unconventional oil and gas development and production on regional water quality have not been previously described despite the fact that oil and gas development in the United States began nearly 150 years ago, and more than 4 million oil- and gas-related wells . . . have been drilled with an increasing trend in the use of hydraulic fracturing.”)

**WHEREAS**, there have not been sufficient public funds available to equip affected government agencies with the proper personnel and resources to: study all impacts of shale gas development, including impacts on human health and food safety; conduct baseline water and air testing; conduct meaningful reviews of all permits prior to issuance; and implement and enforce all applicable laws and regulations;

**WHEREAS**, the shale gas industry has received unprecedented exemptions from our nation's most important environmental and public health laws including the Safe Drinking Water Act, Clean Air Act, and the Clean Water Act;<sup>3</sup>

**WHEREAS**, after exhaustive study, New York and Maryland have prohibited hydraulic fracturing in their states;<sup>4</sup>

**WHEREAS**, (insert local information that addresses specific conditions such as geology that could make the municipality a target for shale gas development);

**WHEREAS**, (insert any regional relevant actions in place to prevent shale gas development such as a moratorium or prohibition of activity); and

**WHEREAS**, the (Borough, Township, County or other local government unit) supports the continuation of these prohibitions;

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The (Borough, Township, County or other local government unit) calls upon the Commonwealth of Pennsylvania to institute a permanent on shale gas development in Pennsylvania; and
2. The (Borough, Township, County or other local government unit) calls upon all regulatory agencies to enact a permanent ban shale gas development, including hydraulic fracturing for gas or oil.

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<sup>3</sup> 33 U.S.C. § 1342(l)(2); 42 U.S.C. § 300h(d); 42 U.S.C. § 7412(n)(4)(pertaining to aggregation for hazardous air pollutants such as benzene); "Lax Rules for the Natural Gas Industry," New York Times, [http://www.nytimes.com/interactive/2011/03/03/us/20110303-natural-gas-timeline.html?\\_r=0](http://www.nytimes.com/interactive/2011/03/03/us/20110303-natural-gas-timeline.html?_r=0)

<sup>4</sup> [http://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/findingstatevhf62015.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/findingstatevhf62015.pdf); [http://www.health.ny.gov/press/reports/docs/high\\_volume\\_hydraulic\\_fracturing.pdf](http://www.health.ny.gov/press/reports/docs/high_volume_hydraulic_fracturing.pdf); <http://mdehn.org/resources/public-health-study-of-fracking/>; <http://thinkprogress.org/climate/2015/05/29/3664098/larry-hogan-maryland-fracking-ban/>