



NEW YORK STATE SENATOR

Lea Webb

## NYS Legislators Introduced New Bill to Ban CO2 Drilling & Fracking for Gas

LEA WEBB February 2, 2024

| ISSUE: **FRACKING**



Senator Lea Webb, Assemblymember Anna Kelles, Senator Liz Krueger, and Assemblymember Donna Lupardo, joined by Oscar Nominee Mark Ruffalo and leading environmental and Southern Tier groups discussed the need to ban drilling for gas with CO2

Albany, NY – NYS legislators announced their introduction of a bill ([S8357](#) / [A8866](#)) to prohibit using carbon dioxide to drill and extract natural gas and oil resources. Since the fall of 2023, the fossil fuel industry (by a Texas-based company called “Southern Tier CO2 to Clean Energy Solutions”) has been asking landowners to lease their land in the Southern Tier to

extract gas by injecting carbon dioxide into the Marcellus shale formation, the same area where they had tried to frack previously.

Almost a decade after New York historically led the nation and protected public health and the environment by banning high-volume hydraulic fracking, the gas industry is proposing to use an experimental and dangerous method of shale gas extraction. Currently, the state's law banning fracking prohibits the use of water to extract the gas. The industry's push to get around our state's fracking ban is to use CO<sub>2</sub>, which poses many of the same threats to our water, health, and climate.

**Watch the presser here.**

**Said Senator Lea Webb**, “We know that fracking creates significant health and environmental issues. We already won the fight to keep CO<sub>2</sub> fracking out of our communities here in the Southern Tier. And now, an out-of-state company wants to lease land from my constituents in Broome County to inject carbon dioxide into the shale—using a practice with limited viable research data—putting our water quality in jeopardy, and potentially driving down our property values. That is why I have introduced legislation with my colleagues Assemblymember Kelles, Assemblywoman Lupardo, and Senator Krueger to put a stop to CO<sub>2</sub> fracking before it damages our health and our environment.”

**Assemblymember Anna Kelles said**, New York State wisely prohibited high-volume hydraulic fracturing in 2020, and now we must extend that commitment to ban the use of pressurized carbon dioxide for oil and gas extraction. Pressurized CO<sub>2</sub> transportation and ground injection poses severe health and environmental threats. Pressurized CO<sub>2</sub> is highly caustic when in the presence of the smallest amount of water. To use this CO<sub>2</sub> for oil and gas extraction it must be transported through a spiderweb of thousands of miles of pipelines

across the country risking pipe corrosion and ruptures. This risk turned to tragic reality in Satartia, Mississippi when a CO<sub>2</sub> pipeline ruptured, leading to mass CO<sub>2</sub> poisoning leaving 45 people hospitalized and impeding emergency vehicle response because the released CO<sub>2</sub> displaced the atmospheric oxygen needed for the vehicles' combustion engines to run. There is no conclusive evidence that injected CO<sub>2</sub> will stay in the ground but we know it will lead to methane leakage already proven to have significant negative health impacts. We cannot afford to compromise the safety of our communities, contaminate our water resources, or perpetuate the false promise of economic prosperity. We must stand firm against CO<sub>2</sub> fracking and safeguard New York for generations to come.”

**Senator Liz Krueger said,** "You just have to laugh to stop yourself from crying at how the fossil fuel industry continually proposes to solve one problem by creating another problem. Fracking is a bad idea, full stop. Injecting incredibly dangerous concentrated CO<sub>2</sub> into the ground and hoping to never have to think about it again is like a kid saying they've cleaned their room by shoving it all under the bed. The solution to the climate crisis is to stop emitting greenhouse gases, not to use one greenhouse gas to help you extract another one from the ground. We don't need this ridiculous idea damaging our land, our water, and our people's health and offering more false solutions to the greatest challenge of our time."

**Assemblywoman Donna Lupardo said,** “Our community has been through a lot when it comes to promises made about drilling in the Marcellus and Utica shale. In 2021 we permanently banned fracking with water, five years after it was initially banned by Executive Order. We now need to make sure that carbon dioxide is prohibited from being used in gas or oil extraction as well, by adding three words to our existing law. We cannot allow a company with an unproven track record to move forward with this environmentally risky process. As the state is moving toward a clean energy future, the last thing we need is to put the health and safety of the public at risk in this way.”

**Mark Ruffalo, actor, director, and long-time environmental advocate in NY who was deeply involved in the campaign to ban fracking, said,** "While New York is working to lead the nation on climate change, the gas industry has come up with a reckless and extreme ploy to get around the state's fracking ban. Thankfully, New Yorkers know better and are resoundingly rejecting the gas industry once again. I applaud Senator Webb and Assemblymember Kelles for introducing this crucial bill to ban gas drilling with carbon dioxide, and I urge the state legislature and Governor Hochul to swiftly pass it and sign it into law."

**Sandra Steingraber, PhD, co-founder of Concerned Health Professionals of New York, said,** "More than 2,000 peer-reviewed studies now clearly show that fracking damages our climate and imperils the health of those who live near the drilling sites. Toxic air pollution, radioactive releases, soil erosion, industrialized landscapes, threats to groundwater, methane plumes, earthquake risks—these harms don't go away when CO<sub>2</sub> is subbed in for water as the agent of gas extraction. Indeed, new risks are added. Liquefied CO<sub>2</sub> is poisonous, corrosive, and behaves as a terrible asphyxiant that acidifies lung tissue on contact. It's time to close the legislative loophole in our statewide fracking ban to ensure that upstate New York cannot be used as a laboratory for dangerous experiments by the fossil fuel industry."

**Julia Walsh, Director of Frack Action, said,** "The gas industry has long shown a blatant disregard for public health and the environment, and this extreme new drilling scheme endangers our drinking water, air, and climate. New Yorkers overwhelmingly rejected gas drilling and fracking ten years ago and are doing so again now. Thanks to Senator Webb, Assemblymember Kelles, and others in the legislature for leading the way and protecting our health and environment with this critical legislation."

**Valdi Weiderpass, Chair of Sierra Club Susquehanna Group based in the Southern Tier of NY, said,** "I am a chemical engineer by training, and have seen the direct harm that fracking and fossil fuels in general have had on communities surrounding my own. One needs to

understand that the process of drilling, pressurizing CO<sub>2</sub> and extracting gas - unleashes many chemical reactions and pollutants that can contaminate our air, water, food supply and ultimately our bodies- in ways that are difficult to control. This proposal would take NY in the wrong direction, and based upon our climate goals there is no way to justify drilling thousands of gas wells to produce more fossil fuels and burn them to produce electricity."

**Food & Water Watch Northeast Region Director Alex Beauchamp said,** "CO<sub>2</sub> fracking is a dangerous scam with no place in New York. The grassroots anti-fracking movement and our allies in the state legislature have been quick to respond — swiftly calling for a ban on this nascent threat. We applaud Assemblymember Kelles and Senator Webb's leadership in strengthening our nation-leading fracking ban, and call on Governor Hochul to send fossil fuel profiteers like Southern Tier Solutions packing."

**Vanessa Fajans-Turner, Executive Director of Environmental Advocates NY, said,** "The introduction of this legislation marks a monumental step forward in safeguarding the clean water and health of Southern Tier communities. By firmly prohibiting the use of carbon dioxide for drilling and extracting natural gas and oil resources, New York again reinforces our commitment to environmental protection and public health. This legislation not only preserves the integrity of our precious water resources but also protects the well-being of our communities from the perils of experimental and dangerous extraction methods. Almost a decade after leading the nation by banning high-volume hydraulic fracking, we stand united in our resolve to not backtrack on our progress. This bill is a testament to New York's unwavering leadership in climate action and our collective dedication to a sustainable, fossil-free future."

**Background:**

More than 90 environmental, public health, and community organizations previously released a letter to Governor Hochul, Senate Majority Leader Stewart-Cousins, Speaker Heastie, and DEC Commissioner Seggos calling for a ban on CO<sub>2</sub> fracking. The proposed plan to transport waste CO<sub>2</sub> to New York from other states, drill and inject high-pressure CO<sub>2</sub> to release sequestered methane, and build new gas-fired power plants is reckless and would perpetuate reliance on fossil fuels. As countless scientific studies about drilling and fracking demonstrate, fractures are not controllable and could cause the CO<sub>2</sub> as well as naturally occurring radioactivity in the shale to migrate, threatening to contaminate our drinking water.

High pressure CO<sub>2</sub> is itself very dangerous, and ruptured pipelines can result in asphyxiation. This was tragically illustrated in Satartia, Mississippi when a CO<sub>2</sub> pipeline exploded, leading to mass CO<sub>2</sub> poisoning that [left 45 people hospitalized](#). Additionally, high pressure CO<sub>2</sub> injection underground poses [significant risk of earthquakes](#).

The organizations have noted that they are deeply concerned that the proposal would violate New York's nation-leading climate law, the Climate Leadership and Community Protection Act (CLCPA). Studies show that drilling and fracking operations and infrastructure are inherently leaky, releasing methane that is disastrous for the climate along with air pollutants that endanger public health. Drilling and fracking for fossil fuels, along with pipelines, gas plants, truck trips, and other infrastructure, is contradictory to the CLCPA.

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RELATED LEGISLATION

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**[2023-S8357](#)**

- 
- Introduced
    - ◦ In Committee Assembly
      - In Committee Senate
    - ◦ On Floor Calendar Assembly
      - On Floor Calendar Senate
    - ◦ Passed Assembly
      - Passed Senate
  - Delivered to Governor
  - Signed By Governor
  -

Prohibits well permits from being issued to an applicant that uses carbon dioxide to complete or recomplete natural gas or oil resources

January 22, 2024

Senate Floor Calendar

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Do you support this bill?