July 18, 2016

RE: COMAR 26.19.01 Oil and Gas Resources--Issue Papers for Stakeholder Input - June 2016

On behalf of Chesapeake Physicians for Social Responsibility, we offer the following comments in response to the Issue Papers submitted for public review:

The scope of the 2016 Issue Papers is misleading to Maryland residents across the state. The entire process has been geared toward western Maryland and the Marcellus Shale region; however, there are gas basins throughout Maryland and these regulations will apply to all of Maryland, as stated publicly by Secretary Grumbles at the Baltimore MDE hearing on June 27th. Given the varied geology, infrastructures, and population distributions in other regions of Maryland, this is unacceptable. This lack of transparency and the scheduling of only one public meeting outside the western Maryland region have precluded public participation statewide in a process of vital interest to the health and well-being of all Maryland residents.

The premise (expressed on page 3 of the Issue Papers) that the 2015 proposal set forth by MDE under the O’Malley administration “laid a solid foundation for ensuring natural gas production in the Marcellus Shale can occur in a manner that respects Maryland’s environment and people” is fundamentally incorrect. The 2015 proposal and MDE’s current proposals rely heavily on the 2013 UMCES BMP report, which was completed before most of the current research on fracking impacts was available. The authors of the 2013 report explicitly state in the opening paragraphs that there was very little data on which to base their recommendations. There are now close to 700 peer-reviewed papers on the impacts of fracking on health, water quality, air quality, seismicity, climate, and other relevant topics. The vast majority of studies that evaluate health, air and water quality show significant risks and harms. None provide evidence that any regulatory regime has adequately protected public health.

The premise (expressed on pages 6-10 of the Issue Papers) that fracking can be managed safely simply by adding extra layers of casing and cement extended for greater distances is untested and defies the fundamentals of material science and the realities of geology. Grounds shift, materials decay or fail, human error occurs. This is happening all over the country, including after wells have been abandoned. Methane and other chemicals will leak, as drilling and fracking create permanent conduits in the earth that did not exist previously. No entities, be they government agencies or the business entities that construct these wells, appear willing and able to accept responsibility for
monitoring and maintenance over the long-term. Therefore, they should not be constructed in the first place.

**The premise that fracking can and should proceed in an era of accelerating climate change is wrong and contradicts other aspects of this administration’s public policy.** Earlier this year, Governor Hogan committed Maryland to reducing its greenhouse gas emissions by 40% by 2030. Representatives from the Maryland Department of the Environment have spoken publicly about how challenging it will be to reach this goal. Building new fossil fuel infrastructure dedicated to retrieving and processing fracked gas will make it impossible. Climate disruption is a public health emergency. It affects not only the nature, distribution, and intensity of illnesses, but also the food supply, national security, our economic system, and the foundations of civil society. Every government agency must make this issue the number one priority.

We look forward to providing detailed comments when the full language of MDE’s proposed regulations is available. We urge MDE to be transparent with the public and with the Maryland General Assembly next session by stating clearly that the regulations being proposed are an attempt to meet the mandate imposed in the 2015 legislative session; however, they do not sufficiently protect public health or the environment in Maryland, as no regulatory framework can.

Respectfully submitted,

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