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January 11, 2012

Hon. Joe Martens
Commissioner
Attn: dSGEIS Comments
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-6510

Dear Commissioner Martens:

The American Lung Association in New York is pleased to offer comments on the Revised Draft of the Supplemental Generic Environmental Impact Statement On The Oil, Gas and Solution Mining Regulatory Program in New York (dSGEIS). We urge the New York State Department of Environmental Conservation (DEC) to adopt the strongest possible standards to reduce harmful emissions from the production wells, processing plants, transmission pipelines, storage units, engines and vehicles associated with extraction of natural gas.

As the leading public health organization focused on the respiratory health of New Yorkers, the Lung Association in New York is keenly aware of the harmful health effects these air pollutants cause. Research has shown that these pollutants can harm the circulatory, respiratory, nervous, and other essential and vital life systems. These emissions can even cause cancer, developmental disorders, and premature death. The cleanup of air pollution from activities associated with natural gas wells is necessary for the protection of public health, appropriate to undertake, and of growing importance.

We are appreciative of the assessment that DEC has taken to date to understand and mitigate the air pollution impacts that will result from natural gas extraction. However, we believe that the dSGEIS has some serious deficiencies that need to be corrected before any standards governing extraction are finalized.

Unless these issues are addressed in the final standards, we believe that there is a very real and unacceptable risk that the air emissions will make people sick and could very well shorten the lives of those living in the communities where the extraction will take place.

DEC is relying on federal regulations and current National Ambient Air Quality Standards to determine if the proposed mitigation measures will negate the impact that air emissions from natural gas extraction will have on the residents of drilling communities. We believe existing federal standards would be a faulty benchmark to use in determining whether New Yorkers' health and safety is sufficiently protected.

As you are aware, the US Environmental Protection Agency (EPA) is currently reviewing comments on Oil and Natural Gas Sector: Reviews of New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants (Docket ID No. EPA-HQ-OAR-2010-0505). The American Lung Association joined with several other health organizations in commenting on these regulations and noted significant deficiencies with the EPA proposal. We urge DEC to await the final regulations from EPA before finalizing state standards.

In [the comments to EPA](#) (enclosed) the Lung Association identified deficiencies in the EPA models that could impact the modeling that DEC has used in New York. In the event that the EPA fails to strengthen national standards as recommended, we urge DEC to ensure that New York goes beyond federal standards to adequately protect public health.

Regarding the use of the NAAQS as the appropriate metric for determining the success of proposed mitigation measures, we have grave reservations. For several key reasons, we do not believe that the policy of the state for gas drilling air impacts should be based on attainment of any NAAQS. In testimony that Steven Russo, General Counsel for DEC, provided to the New York State Assembly Standing Committee on Environmental Conservation on October 6, 2011, he stated "there will not be any violations of the air quality standards" as a result of the mitigations proposed under the dSGEIS. In further testimony, Mr. Russo stated that the definition of an adverse impact is based on a "violation of an applicable standard."

It is generally accepted and acknowledged that the current ozone and PM2.5 NAAQS are not adequate to protect public health (see the Editorial of Balmes, John, MD and Pinkerton, Kent PhD, *Am J Respir Crit Care Med* Vol 185 Iss. 1, pp1-2, Jan 1, 2012.) Whether or not the current standard for ozone would be violated is not an appropriate standard for the state to use in determining whether the air will be safe in drilling communities. DEC acknowledges (dSGEIS, p 6-169) that if the ozone NAAQS were set at the levels recommended by the Clean Air Scientific Advisory Committee, then "more areas of the state, including those in the Marcellus Shale play, would be nonattainment." Yet, the dSGEIS does not model based on a more protective standard. We believe DEC must model air impacts based on what the science says is the level of ozone that is adequate to protect public health, not what the current health standard is.

DEC recognizes that the drilling equipment used to do the work will contribute to likely NAAQS violations for PM 2.5, PM 10 and the 1-hour NO2 standard. Due to the increased air pollution, DEC will require the use of Selective Catalytic Reduction technology (SCRs) and diesel particulate traps & filters (DPFs) to be used on engines used in drilling, and DEC will also block the use of equipment that cannot meet those emission limits.

We are concerned that the dSGEIS fails to assess the air pollution associated with the thousands of truck trips per well that are expected to occur with high volume drilling.

According to the research of the New York State Department of Health (enclosed), the vehicle trips associated with this type of natural gas extraction are likely to pose a threat to those with asthma living near roads with heavy truck traffic. The study concluded that "exposure to high volumes of traffic/truck within 200 meters of homes contributes to childhood asthma hospitalizations." Since the state has conducted such research, we are troubled that there is no assessment of the role that truck trips can have on the health of residents near drilling sites. It seems highly likely there will be impacts on children with asthma that lead to hospitalizations, lost school days and higher healthcare costs. Furthermore, DEC must ensure that the diesel equipment and diesel trucks involved in this process are outfitted with the same SCR and DPF technology that is being required on the drilling equipment.

According to the American Lung Association's State of the Air Report 2011, nearly half of the state's residents live in counties where unhealthy air endangers their lives and health. We are worried that those New Yorkers currently living in areas with cleaner air will soon be exposed to increased air pollution levels and potentially failing air quality.

Thus, for the above reasons, we do not concur with the contention that the proposed mitigation measures will remove air pollution health threats and we urge DEC to take into account the impacts that air emissions (e.g. diesel truck pollution) will have on a much more local, rather than regional, basis.

Finally, the dSGEIS acknowledges some severe limitations in the modeling and suggests a fairly extensive monitoring program be undertaken to determine the actual levels of pollution and, thus, its impact on public health (dSGEIS, pp 6-180-185). This approach of drilling first and assessing the impacts of emissions later could have some serious health consequences for those living nearby. The Lung Association believes a more thorough assessment of the impacts must be completed and issued for public comment prior to any permits being issued. Until that time, there is no possible way to conclude that emissions will not impact public health.

Thank you for offering us the opportunity to comment on the dSGEIS. We look forward to working with DEC to improve the standards and mitigation measures to fully ensure protection of public health.

Sincerely,



Jeffrey Seyler
CEO

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