

About Maryland's Proposed Fracking Moratorium



The problem: Drilling activity related to hydraulic fracturing – or fracking – has been directly linked to a whole host of harmful effects including contaminated streams and rivers, flammable tap water, forest fragmentation, and poor air quality. Underground re-injection of fracking wastewater, meanwhile, is strongly suspected to be the cause of a large increase in earthquakes across the central United States, including in nearby Ohio. Fracking also contributes to climate change through the documented release of methane gas in the drilling process and from emissions of planet-warming CO₂ upon combustion. Based on this rising scientific evidence and growing public concern, the Maryland General Assembly must pass in 2013 a statutory moratorium on fracking for natural gas within the state.

Insufficient protections in Maryland to date: To date, this controversial drilling technique has not occurred in western Maryland, but a large portion of western Maryland land has been leased by companies with the intent to frack for natural gas. Maryland Governor Martin O'Malley issued an executive order in 2011 establishing a special commission to determine if and how fracking activity could be conducted safely in the state. The Governor has recently included \$1.5 million in funding for the studies in his budget request. This is a good start but it is unclear if this is sufficient for the full studies needed to give the MD legislature the information it needs to make a properly informed decision about the future of fracking in Maryland.

A statutory moratorium now! SB 601: While some have characterized the 2011 O'Malley executive order as a de facto moratorium, the reality is that there are few real legal protections in place to prevent issuing a fracking permit if challenged by the oil and gas industries and it's time for the policy of the state of Maryland to be clarified in the law: no fracking until the studies are completed and the overall risks of fracking are weighed and assessed so that the total cumulative impact of fracking activities can be fully understood.

A commonsense statutory moratorium – SB 601 – has been introduced in this year's legislative session. This bill would place a moratorium on issuing drilling permits to firms that want to frack for natural gas in Maryland until several straightforward criteria are met, and thorough risk assessments on the human and environmental hazards of fracking activities are completed.

- the first criteria is that the studies in the executive order must be completed; the human and environmental risk assessments must be completed at the same time.
- the second criteria is that an 18-month span of time must have passed after the completion of the studies to give the General Assembly and public at large appropriate time to digest and understand the results of the studies and risk assessments.
- the third criteria to lift the moratorium is that the Department of the Environment must have adopted regulations that are specific to fracking and that implement the findings and recommendations of the study.

This is a simple, commonsense bill that augments the strategies the governor already put in place and gives legal clarity to the issue of potential fracking by establishing three straightforward criteria for lifting the moratorium.

Conclusion: Maryland citizens deserve a fracking moratorium now. As seen in Pennsylvania and elsewhere, fracking is a broad public health and environmental threat and it is time for the General Assembly to take action. Only a commonsense legislative moratorium on all fracking activity in the state will satisfy that responsibility.