

# Fracking Bans & Moratoriums

## THE PROBLEM

As traditional supplies of natural resources deplete, the fossil fuel industry is taking a different approach to gas and oil extraction through fracking. Unfortunately, this process of extracting natural gas and oil from underground shale rock is under-regulated, highly contaminative, and unsustainable.

Fracking involves drilling and injecting water and chemicals—many undisclosed, due to “trade secrets”—into the ground at a high pressure in order to fracture shale rock. The process uses massive quantities of water, inserts harmful chemicals into the water system and surrounding environment, contaminates soil, and feeds our national dependence on fossil fuels.<sup>1</sup> There is also evidence linking the fracking process to earthquakes – before fracking in Oklahoma there was about one earthquake registering above 3.0 on the Richter scale per year. Now the state averages one 3.0 or above earthquake per day.<sup>2</sup> And it’s not just earthquakes—for years communities have dealt with unwanted toxic messes made by companies looking to extract natural resources through fracking.

Major decisions about large-scale fracking projects remain unaddressed by the federal government since profitable oil companies have focused their monetary and political capital on keeping fracking legal.

## THE SOLUTION

Much of the anti-fracking movement relies on local action. Some cities have been able to ban fracking outright, by explicit ordinance or through other means, such as rewriting zoning laws, narrowing road-use regulations, setting noise limits, or recognizing “critical environmental areas.”

## POLICY ISSUES

In total, over 400 cities and municipalities in over 20 states have passed local resolutions to either ban fracking or instate a moratorium, including thirty-five in New Jersey, thirteen



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— Earthworks, Hydraulic Fracturing

in California, ten in Colorado, and eighteen in Michigan.<sup>3</sup> The movement against fracking continues – in March of 2014, Los Angeles unanimously passed a motion directing the city attorney to look into a moratorium on fracking and other well-stimulation techniques.<sup>4</sup> By prohibiting fracking, cities can help eliminate contaminative energy practices and facilitate a just transition towards an economy based on clean energy sources.

Recently, New York State’s highest court ruled that municipalities do have the right to ban fracking.<sup>5</sup> Some other localities do not have the legal authority to ban the practice. But many cities have chosen to instead call for a moratorium on the practice until further research occurs. These elected officials have described fracking as a public safety issue and have required that the practice be postponed until a host of precautionary measures have been completed, such as EPA impact reports and financial impact reports.

There are a number of other methods municipalities have used to ban or limit fracking. Some communities have held public meetings with fossil fuel corporations to fully discuss the fracking process, other communities have developed petitions to protest dirty energy development. Fracking has

already adversely affected thousands of American citizens. There are over 1,000 documented cases of water contamination next to fracking sites, which have caused a host of health problems such as sensory, respiratory, and neurological damage.<sup>6</sup> Local municipalities have used this specific data to substantiate their claim that fracking is harmful for the community in their fracking bans and moratoriums. Cities have also noted in their bans and moratoriums the public health dangers of fracking will have consequences on cities' economies, since businesses and consumers depend on clean drinking water to thrive.

Fracking has been exempt from the Safe Drinking Water Act and the Clean Water Act, even though fracking fluid that enters the ground is highly contaminative. The exemption, dubbed the "Halliburton Loophole," was recommended by the Bush administration Energy Policy Task Force in 2005.<sup>7</sup> Measures to amend this loophole in Congress are slow moving; Colorado Representative Diana DeGette introduced the Fracturing Responsibility and Awareness of Chemicals Act in 2009, the bill was adjourned and reintroduced in 2011, and decidedly dead as of June 2013.

However, in 2011, the City Council of **Oneonta, NY** justified its moratorium on fracking by announcing Rights to the Natural Environment, which includes their Right to Clean Water, Right to Natural Communities, and Right to Self-Government. The City of Oneonta pointed out that the right to clean water was supposed to be ensured under the Clean Water Act, and the public's right to accessible clean water is threatened by fracking.

As the fracking problem intensifies, local governments are choosing to stand up to fossil fuel companies, reject further depletion of limited resources, and demand the right to clean water and air.

## LANDSCAPE AND RESOURCES

**Food and Water Watch** is a public interest organization whose goals are to ensure that we are consuming non-contaminated food and water. It provides a list of local governments' who have passed fracking moratoriums on their website.



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*- Washington Post, How Two Small New York Towns have Shaken Up the National Fight Over Fracking (2014)*

**350.org** is one of the leading non-profit organizations for the climate change movement. "Go Fossil Free" is the name of 350's divestment campaign and its website provides information about entities that have already divested, local divestment groups, and existing campaigns.

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### NOTES

1. Earthworks, Hydraulic Fracturing 101.
2. "Oklahoma Has 300 Times More Earthquakes Now; Can We Blame Fracking Yet," Care2 (Jun 2014).
3. "How two small New York towns have shaken up the national fight over fracking," Washington Post (Jul 2014).
4. Hydraulic Fracturing / Fracking / Prohibition of Well Stimulation Activities, City of Los Angeles, March 2014.
5. Taylor, Kate. "New York Towns Can Prohibit Fracking, State's Top Court Rules," NYTimes, June 30, 2014.
6. Lister, Emily. "Fracking Hell," The Butler Scholarly Journal. 2013.
7. Phillips, Susan. "Burning Question: What Would Life Be Like Without the Halliburton Loophole?" NPR. 2011.