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For more information:
Liz Moran (518) 610-1828
emoran@nypirg.org

NYPIRG STATEMENT ON FIRST IN THE NATION LAW TO CLOSE THE DANGEROUS FRACKING WASTE LOOPHOLE

(Albany, N.Y.) Today, Governor Cuomo signed S.3392 (May)/A.2655 (Englebright) into law, which closes a longstanding loophole, commonly known as “the hazardous waste loophole,” that exempts oil and gas waste from being classified as hazardous waste, even if it met the definition. This loophole exists federally and was replicated by many states, including New York.

Despite New York’s ban on high-volume hydraulic fracturing, “fracking,” New York landfills have accepted over 650,000 tons and approximately 23,000 barrels of fracking waste from Pennsylvania’s drilling operations since 2011.¹ Oil and gas waste is known to contain hundreds of chemicals, many of which are known or suspected carcinogens, heavy metals, salts, and high levels of naturally occurring radioactivity.

The following statement is attributable to Liz Moran, Environmental Policy Director for NYPIRG:

“Once again, New York State has proven itself to be the nation’s leader on protecting the public from the dangers of fracking. New York made the right decision to ban fracking in 2015, but still faced tremendous risks from fracking by accepting hundreds of thousands of tons of fracking waste from Pennsylvania. The oil and gas industry was unsafely exempted from hazardous waste regulations. With this legislation signed into law, any hazardous oil and gas waste in New York will be handled as hazardous waste and cannot be disposed of improperly. NYPIRG thanks Governor Cuomo for signing this legislation into law and Senator May and Assemblyman Englebright for tirelessly championing this issue. Other states should now follow New York’s lead.”

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¹ Melissa Troutman, “New York Frack Waste Report,” Earthworks, July 2019, pg 7., <https://earthworks.org/cms/assets/uploads/2019/07/NY-Waste-Report-8-2019-final-web-res.pdf>