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Fracking Pumps Up Pressure in Upstate N.Y. Congressional Race

A tightening congressional race in upstate New York could become the first public referendum on shale-gas drilling and hydraulic fracturing.

Rep. Maurice Hinchey (D-N.Y.) has been an outspoken critic of gas drilling in the Marcellus Shale and an advocate of federal regulation of fracturing. His opponent, Republican George Phillips, thinks state regulation is best and supports "aggressive" development once regulators sign off.

And Phillips attributes his support for drilling as a major reason for his late surge in the polls.

"It's a huge factor," said Phillips campaign spokesman Jazz Shaw. "The No. 1 issue is jobs. But this is probably the No. 2 issue."

Hinchey's camp disagrees about the prominence of the issue among voters but says that Phillips' position has won him crucial financial support from oil and gas companies in the waning weeks of the election.

"The natural gas issue is important among certain constituencies," said Hinchey spokesman Mike Morosi. "But the natural gas industry is funding advertising against Congressman Hinchey based on his position on drilling."

The "527" group American Crossroads has injected \$300,000 into the race, funding anti-Hinchey ads. One of the major backers of the group is Texas natural gas magnate Trevor Rees-Jones, president of Chief Oil and Gas, a driller in the Marcellus Shale in neighboring Pennsylvania, where drilling is allowed. And American Crossroads has received thousands of dollars more in oil industry money.

In addition, Phillips' own campaign treasury has gotten a badly needed \$15,000 boost from drilling executives since he visited a rig site with executives from Chesapeake Energy Corp.

Hinchey is a nine-term incumbent in a Democratic-leaning district that curls around New York's border with eastern Pennsylvania and reaches up to Ithaca. He has won by lopsided

margins in recent years. As a senior member of the Appropriations Committee, he has the power to steer federal projects and money to his district. In most years, his seat would be considered safe. But this is not most years.

Phillips, a teacher, got 34 percent of the vote in 2008. But Hinchey, an outspoken liberal, has been caught in the pull of a potential Republican "wave" in this election.

Hinchey has also been hurt by former New York Mayor Ed Koch's endorsement of Phillips -- because Koch says Hinchey is not sufficiently supportive of Israel -- and a video of a mild verbal altercation between Hinchey and a local reporter that has attracted attention on YouTube. Hinchey's fundraising has been meager for a senior member of a powerful committee.

The Cook Political Report in late September moved the race from "solid Democrat" for Hinchey, to the more tenuous "likely Democrat." Hinchey's polling says he maintains a decent lead. But the Phillips campaign says its polling shows the challenger pulling even. There has been no independent public polling.

Hinchey is perceived as the anti-drilling, anti-fracturing candidate in the race, while Phillips' role is the booster for drillers and fracturing. But the candidates themselves seek to add nuance.

Phillips wants to move forward "aggressively" but only after state regulators say it is safe.

Hinchey has said he wants to "make sure that this frack drilling does not occur in New York" but clarifies that such a moratorium could be lifted after a comprehensive study of drilling's effects on health and the environment.

Hinchey is a lead co-sponsor of the FRAC Act, which would lift the fracturing exemption and force public disclosure.

Locally, he has also signed on to a drive to get Gov. David Paterson (D) to delay drilling in New York and start over on a state study and has leaned on the federal representative on a regional board to slow drilling until a separate study is done.

His approach has angered Barbara Hirshfield, who considers herself a dedicated environmentalist but sees Hinchey's resistance to gas production as wrong-headed. She sees more use of natural gas as crucial to reining in climate change.

"Mr. Hinchey is not going to get my vote, which makes me sad," Hirshfield said, "I've been in lockstep with him for many years. But I think he's endangering the planet."

Still, she has not decided how she will vote. Of Phillips, she said, "the more I read his positions, the more reluctant I get."

Drilling has been a heated issue in upstate New York and across the border in eastern Pennsylvania. More than 1,000 people attended a September hearing that U.S. EPA held in Binghamton, in the middle of Hinchey's district and near the Pennsylvania line, to air their views on fracturing.

In Congress, the question is whether EPA should regulate fracturing under the Safe Drinking Water Act and whether oil companies should be ordered to disclose to the public what they are injecting underground to shake loose the oil.

In fracturing, crews inject tanker-loads of water and sand into gas wells to blow apart the rock and release the gas. A small fraction of that concoction is a mixture of chemicals as mundane as ice cream thickener and as toxic as diesel fuel. In 2005, the Republican Congress and Bush administration exempted fracturing from EPA regulation under the Safe Drinking Water Act, heading off an appellate court ruling that had said SDWA should cover the practice.

New York has a temporary moratorium on shale drilling, but in neighboring Pennsylvania, drilling rigs are perforating the landscape at a rapid pace. That has brought a lot of money and jobs to the state in a rough economy. But it has also brought with it instances of water contamination.

Hinchey's upstate district has endured years of economic woes. Many landowners see an economic lifeline in the money companies will pay to drill under their land. Though most of the drilling itself is done by roughneck crews from out of state, the gas industry would create a bounty of support jobs.

The drilling industry says that fracturing is a decades-old practice that has proven perfectly safe. Regulation, drillers say, is best left to state agencies, which have varying levels of strictness. Federal regulation, they say, is a way to slow or stop drilling.

Environmentalists say there is rampant opportunity for fracturing to contaminate drinking water and say state agencies have turned a blind eye to the problems with the practice. They also point to the oil spill in the Gulf of Mexico, where Halliburton Co. has been blamed for faulty work that may have led to the explosion that kicked off the disaster.

"Can we trust them on fracking?" asked a news release sent out Friday by Earthworks' Oil & Gas Accountability Project.

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