

Let's get the facts to save the environment

By Eric Schneiderman

Published 12:06 a.m., Thursday, April 28, 2011

As attorney general, one of my top priorities is protecting New York's natural resources. We must be vigilant and proactive in protecting the state's environment and health, but we must do so in a way that is informed and thoughtful.

On many issues that come before this office and others in government, there are stakeholders on every side demanding that the state take one position or another, before solid information to make an informed decision is available.

As a legal office, we take a different approach. The guiding philosophy behind our process is what I call "evidence-based decision making." This measured approach entails gathering the facts about the potential risks to New Yorkers' health, environment and public safety before deciding to act on a given matter.

As with other issues before our office -- such as reviewing financial transactions or pursuing fraud investigations -- every environmental inquiry, investigation and case we undertake is grounded in a nonpolitical, evidence-based approach.

We look at the facts and follow them wherever they may lead.

One recent example involves the drilling technique for natural gas called hydraulic fracturing, or hydrofracking.

This controversial drilling technique, also known as fracking, blasts water, routinely containing potentially harmful chemicals, into shale deposits to obtain natural gas. That process caused an accident in Pennsylvania last week that released thousands of gallons of drilling fluids into the environment and required the evacuation of several homes.

The Delaware River Basin Commission, a federal-interstate body, has proposed regulations that would allow fracking in portions of eight New York counties without performing a mandatory study on fracking's health and safety impacts. To ensure these impacts are fully understood, I notified the federal government last week that I will file a lawsuit if it does not commit to the required study within 30 days.

If the federal government were to open the door to hydrofracking in New York without first knowing the facts, the risk would be borne by properties, homes and businesses, as well as the watershed providing 90 percent of the drinking water to more than 9 million people in this state.

Another example where this approach has guided us is the Indian Point power plant. No matter



where you stand on nuclear power, I believe we can all agree in the aftermath of the crisis in Japan that we should have the facts about public health and safety risks posed to New Yorkers before making long-term decisions about the plant.

My office's view is that the federal government must conduct a thorough, transparent and objective review of all environmental, safety and emergency preparedness issues related to the plant's continued operation.

As a result, I am pressing the Nuclear Regulatory Commission to incorporate an immediate assessment of earthquakes and other health and safety risks into its relicensing process for Indian Point. I am also suing to stop the use of Indian Point as a storage site for radioactive waste for at least 60 years after its closure, without first completing the federally required review of health, safety and environmental impacts.

New York is enriched by abundant natural resources that we must protect, in addition to the air we breathe and water we drink. Being armed with as much information as possible about potential impacts on these resources, before making decisions affecting them, ensures that our process is apolitical, informed, and thoughtful.

Eric Schneiderman is New York's attorney general.

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