

The Honorable Josh Shapiro

January 12, 2024

Dear Governor Shapiro,

One year ago, the Better Path Coalition sent a letter to you and your transition team identifying more than 30 environmental and climate recommendations for your administration. As the start of your second year in office nears, we are writing once again to review the past year and urge you to act on the recommendations you all but ignored.

Walk the “No Wrong Door” Talk

You never acknowledged our letter nor the follow-up letter we sent on your 100th day in office. We learned that the latter had been circulated by your office to your secret climate working group when the response to a Right-to-Know request was reported in [Inside Climate News](#). The document was among those that had been omitted from a response to a similar RTK we had filed. We eventually received the missing documents via an appeal.

You have stated frequently that there should be “no wrong door” to government and even created a special text line Pennsylvania residents can use to contact you. We have encountered nothing but closed doors (sometimes guarded by an armed officer) when we have attempted to contact your office. You ignored every invitation to our monthly Virtual Brown Bag Briefings featuring expert speakers on timely issues and to our People’s Hearing on Climate Change in the Capitol on October 2.

Rescind the CNX Deal

Moreover, you have steadfastly ignored science. In one of your more shocking turns since taking office, you struck a voluntary compliance deal with a recidivist driller who only entered into the agreement to perpetuate the fallacious narrative that drilling and fracking have no adverse health impacts.

CNX’s Context Corner section of its website includes a post entitled Data-Driven Policies are a Win for All by Chief Risk Officer Hayley Scott who says, “This is the bottom line: no credible studies indicate natural gas is a threat to public health. To prove this is the case, CNX is engaged in partnership with the Pennsylvania Department of Environmental Protection (PA DEP) to gather trusted air, water, and waste management data essential to fully understanding the development process.

“Further, by willingly implementing this ‘Radical Transparency’ approach with intense monitoring across our operations, we aim to provide concrete, fact-based data to ease these misguided fears and show there is no need for additional buffer zones or other punitive regulations.”

Last year, we wrote, “You have publicly expressed support for continued fossil fuel and petrochemical development and false climate solutions like hydrogen hubs and carbon capture technologies. To date, your statements put you in league with your destructive predecessors. Rather than take on polluting industries, you have sought a comfortable middle ground that will make it appear as if the industries that are killing us can be reined in.” One year later, the CNX deal demonstrates that your actions match your words.

Act on DOH/PITT Health Studies

When a reporter asked you at the CNX signing ceremony if you thought the Department of Health/University of Pittsburgh studies were an effective use of taxpayer dollars, you said, “I feel like [the deal with CNX] is an effective approach.” You added that the public demands answers and that those answers “need to be guided not by rhetoric, but by data and open source information for all to see and

study.” For all of their flaws, and there were many, the studies succeeded in spite of them to link fracking to lymphoma, asthma exacerbation, and low birth weight. The findings are not rhetoric. Incidentally, your pivot when asked directly about the studies preserved a record that remains intact. To date you have not made a single public statement on the studies.

End Continued Support for Fossil Fuels

We also noted in our first letter that you have adopted the grand jury’s recommendations as your priorities. We said, “Unfortunately, the recommendations are wholly inadequate. You cannot regulate the unregulatable. You cannot save the planet by slapping wrists.” You have done far worse than slap wrists. You have rewarded drillers’ bad behavior and, in the case of CNX, have blamed your actions on legislative foot-dragging.

You have conjured up the internecine battle with the legislature over the Grand Jury recommendations and perpetuated the drama over RGGI, though you have never backed it, to tell the public that there is some daylight between you and pro-fossil fuel legislators. In fact, that is simply not true.

Address Ongoing Needs of PA Communities Devastated by Norfolk Southern Derailment

The anniversary of the Norfolk Southern derailment that had devastating impacts on both sides of the Ohio - Pennsylvania border is weeks away. Communities in both states are still struggling. A month after the derailment, one Darlington Township resident told [The Guardian](#), “No one is coming to save us.” In October, *Salem News* reported that a charity, HelpEastPalestine.org, has been providing families on both sides of the border with air purification units. Once again, communities must fend for themselves.

When Pennsylvania communities needed their governor to function as an emergency manager, they got a former attorney general instead. More than a month after the disaster, you announced an agreement you had reached with Norfolk Southern. By far, the largest sum of money the company would pay was \$5 million to reimburse local fire departments for the cost of the contaminated or damaged equipment they needed to replace. Your announcement closed by dismissing the health impacts people were reporting, saying that no concerning air or water quality readings had been detected at that point.

Below are our original recommendations with comments added in italics.

Ban Fracking

Calls for a fracking ban are often dismissed as impractical to impossible in Pennsylvania. Degree of difficulty is not a relevant criticism. Condemning future generations to struggle to survive an increasingly inhospitable environment is the impossible choice.

More than enough science currently exists to justify a ban on fracking on the basis of the profound health, safety, environmental, economic, and quality of life impacts fracking has already caused. Its climate impacts make it completely untenable. The science on fracking is presented in an annually updated [Compendium](#) produced by Concerned Health Professionals of New York and Physicians for Social Responsibility. The 2022 edition’s summary of findings concluded, “Our examination uncovered no evidence that fracking can be practiced in a manner that does not threaten human health directly or without imperiling climate stability upon which human health depends.”

Although the drawdown will necessarily take some time in order to ensure a just transition for workers and communities, there are immediate steps you can take.

1. Direct the Department of Environmental Protection to stop issuing well permits, air quality permits, 401 certifications, and all other permissions and approvals required for methane and

ethane gas production, processing, transmission, and distribution. Intermediate steps toward this end include the following:

- a. Rescind permission for Coterra to continue drilling operations in Dimock and permanently protect Dimock and its environs from future drilling.
- b. Hold DEP accountable to requiring that permittees do not have a history of violation before granting new permits. This goes for all permits (O&G and waste) Violators should not have the privilege of doing business in PA.
- c. Make illegal the use of nondisclosure agreements to silence victims of oil & gas drilling.

Fracking in Pennsylvania turns 20 this year. For the sake of our communities today and generations tomorrow and beyond, it cannot turn 25 and should not even turn 21. The climate impacts we experienced in 2023 are the latest proof of the need for a rapid transition away from fossil fuels. Meanwhile, the 9th edition of the Compendium released in October 2023 includes the same conclusion the authors drew in the previous edition. In your first year, you have done nothing to draw down production. In fact, you have supported expanded fossil fuel operations in the form of blue hydrogen production.

Since your inauguration, your administration has issued 856 drilling permits. Permitting more than four times the number of wells you plug is not progress. Coterra has received 96 of the permits (108 since you announced their plea deal on November 29); fourteen of them are for drilling sites in Dimock.

According to [PA Environment Digest](#), the DEP issued a record 6860 violations to conventional drillers in 2023. “That’s 51.9% more than in 2021 and 26.6% more than in 2022 and 569.9% more than in 2015,” says David Hess. Unconventional drillers received an [additional 1,310](#) notices of violation.

You have taken no action on the specific recommendations we made.

Address Legacy Issues

The problem of well abandonment is beginning to receive much-overdue attention, thanks in part to federal funds that have become available for well plugging. The Department of Environmental Protection issued a [report](#) on conventional drillers’ compliance on December 29. In examining its records, the agency found that well abandonment violations topped the list with 3,123 notices of violation issued during the five years records it reviewed.

Abandoned wells leak methane into the atmosphere. Methane is far more powerful than CO2 at warming the atmosphere. Researcher Mary Kang studied methane emissions from abandoned oil and gas wells in Pennsylvania in [2014](#), [2015](#), and [2016](#) and found many wells to be “super-emitters” of methane.

To control unchecked methane leakage, every well drilled in Pennsylvania will need to be monitored in perpetuity. The Department of Environmental Protection’s rate of well plugging is preposterously poor. Federal funds to assist in the effort will not make a dent in plugging wells once and will do nothing to help maintain wells in the future. The staggering cost will be taxpayers’ burden to bear, just counting the current number of wells already drilled or permitted.

1. Raise the reclamation bond to the actual cost of plugging. The Department of Environmental Protection [reported](#) in 2021 that the bonds on file for conventional wells total about \$15 per well.
2. Remove the ten-year freeze on well bond amounts recently passed by the legislature and allowed to become law by Governor Wolf.
3. *Ensure that federal funds designated to well plugging address priority wells first.*

You have frequently boasted that your administration has plugged more abandoned wells than were plugged during the Wolf administration. The wells were plugged with federal taxpayer dollars that were applied for by your predecessor and became available during your administration. The funds were to be used to plug wells prioritized because of the risks to the environment and human health they pose. According to DEP's own [IJA Tracker](#), 96% of the wells plugged using the funds were not impacting the environment and 89% were not impacting human health. Late last month, you announced that Pennsylvania will receive nearly \$45 million more for further plugging. You must provide oversight this time so that priority wells are, indeed, plugged first. Finally, the federal funds will not cover the cost of plugging all of the wells even one time. Every well will need to be maintained in perpetuity. Your administration should develop the plan for how that plugging will be done without putting the burden on federal and state taxpayers.

After the tragic methane gas explosion that killed six in Plum Borough in August, residents [expressed concern](#) about the number of abandoned wells located under homes in the area. According to the DEP's IJA Tracker, none of those wells has been plugged.

You have taken no action on the specific recommendations we made.

Reject False Climate Solutions

The fossil fuel industry's most insidious attempt to continue to do business as usual during an existential crisis of its own making comes in the form of a push for false solutions. False climate solutions fall into three categories – technologies intended to offset the damage continued fossil fuel use causes (Carbon Capture and Storage (CCS); Carbon Capture, Utilization, and Storage (CCUS); and Direct Air Capture), technologies intended to lessen the climate impacts of continued fossil fuel use (HyBlend – adding hydrogen to methane pipelines to cut emissions), and technologies intended to use fossil fuels to create 'clean' energy (Blue Hydrogen).

4. Direct state agencies including the Departments of Community and Economic Development, Conservation and Natural Resources, and Environmental Protection to halt any plans to allow blue hydrogen, CCS/CCUS, direct air capture, advanced plastics recycling, renewable natural gas, methane gas to gasoline, and other projects that rely on fracked gas and/or allow the fossil fuel industry to do business as usual.

5. *Ban the development of HyBlend pipelines in Pennsylvania*

You have taken no action to protect Pennsylvania from the futile pursuit of hydrogen hubs that will only waste valuable time we no longer have to address the climate crisis. Instead, you regularly boast that your administration helped secure two hydrogen hubs for Pennsylvania. Meanwhile, you have done nothing to develop a real, robust climate plan for the state. The No False Solutions PA coalition has developed a [detailed report](#) supporting its opposition to false solutions. You received a copy on January 8. We urge you to read it.

Protect Pennsylvania from Oil & Gas Waste

No method of disposing of toxic, radioactive oil & gas waste has been demonstrated to work anywhere. That alone should serve as justification for a ban on continued production. Even if we were content to accept a process in Pennsylvania that minimizes the damage, and we are not, the handling of toxic, radioactive oil & gas waste in Pennsylvania is a veritable wild west of indifferent operators who ignore or sidestep rules, and captured regulators whose response to their actions is tepid at best.

Road spreading of conventional drilling waste is one example that has received a lot of attention in the past two years. The Department of Oil & Gas Management put a moratorium on the practice in 2018, so drillers turned to the Coproduct Determination loophole they found in the Bureau of Waste Management to justify continued road spreading. The Better Path Coalition's [Moratorium Morass](#) report looks at the improper use of the Coproduct Determination program and the glaring holes in the Oil & Gas division's reporting requirements that, together, make it clear that our regulators have no idea where, when, or how much waste has been spread. DEP's [report](#) from December 29 shows that more than 56 percent of conventional well operators fail to report any waste generation and disposal data.

6. Ban road spreading of all oil and gas drilling waste.
7. Hold oil and gas companies accountable for their waste and pollution and make them pay for the harm they produce.
8. Disallow DEP from negotiating with operators on fines or violations.
9. Disallow DEP from giving operators workarounds or ways to avoid certain regulations by granting waivers when none should be granted.
10. Direct DEP to thoroughly review plans submitted to ensure that the plan will go accordingly and not perpetuate a culture of violations by accepting plans that in reality will not work. Ex. E&S plan BMP's consistently fail because the engineers know the DEP isn't doing the calculations for themselves using best (and more up-to-date) engineering practices.
11. Make public the study information that was mandated by the Wolf administration in late 2021 on leachate testing for radium 226 and 228. Direct the Environmental Quality Board to issue new rulemaking on adequate testing of leachate and produced water for radium 226 and 228.
12. Ban disposal of toxic, radioactive drilling waste in all Pennsylvania landfills.
13. Ban the processing of landfill leachate at wastewater treatment plants and the spreading of the waste, dubbed 'biosolids,' on farm fields.
14. In your role as a Delaware River Basin Commissioner, institute a full fracking ban that disallows fracking waste imports and clean water exports and, in the meantime, vote NO on any application submitted to the Commission for either activity.

The results of the DOH/Pitt studies were announced in August. As noted earlier, you have yet to make a public statement about the results or next steps.

You have taken no action on the other recommendations.

Address Potentially Catastrophic Gas Storage Leaks

After the 2016 Texas Eastern pipeline explosion in Westmoreland County, the *Pittsburgh Post-Gazette* [reported](#) that the area of the explosion was "saturated with natural gas infrastructure" sitting atop a 39-square mile underground natural gas storage field. It's one of 49 active storage fields in Pennsylvania. Among the 49 are some considered to be at high risk of failing.

One of those high-risk storage fields is the Rager Mountain field in Cambria County that leaked an estimated 1.29 billion cubic feet of methane gas between November 6th - 19th. DEP Acting Deputy Secretary Kurt Klappowski told the agency's Technical Advisory Board that they "got lucky" because of the field's remote location.

15. Place a moratorium on new gas storage reservoir permits
16. Enforce much stricter monitoring by transparent DEP inspectors, or neutral external inspectors, and absolutely no industry self-reporting
17. Enforce immediate remediation of all high-risk reservoirs

You have taken no action on our recommendations.

Reform Pennsylvania's Agencies

The Grand Jury you convened to investigate fracking concluded that the state government failed to protect Pennsylvanians. While the investigation focused on the DEP and Department of Health, merely scratching the surface of the issues at those agencies, the state government as a whole has failed Pennsylvanians, including the Department of Community and Economic Development that has never put the best interests of Pennsylvanians before those of the industry and lacks all transparency and accountability and the Department of Conservation and Natural Resources that, among other things, has spent the past two decades studying where and how to build a network of CO2 pipelines and storage facilities.

18. Overhaul the DEP, DOH, DCED, and DCNR
19. Audit the Bureau of Laboratories
20. Institute [sole source aquifer](#) designations
21. Invest in better protections for our groundwater
22. Direct DOH to actively promote guidelines on health impacts of methane and ethane gas development as they do pertaining to the opioid epidemic and COVID
23. Finish the three-year health studies Wolf ordered on November 22, 2019

As previously noted, the health studies were completed.

You have taken no action on our other recommendations.

Jumpstart the Move away from Plastics and Petrochemicals

The global efforts to ban plastic and address climate change are concurrent campaigns inextricably linked to one another. Pennsylvania can no longer look the other way.

24. Ban the use of PFAS chemicals
25. Ban the disposal of extant PFAS chemicals in landfills
26. Ban all forms of “advanced” or chemical recycling, including pyrolysis, gasification, and depolymerization
27. Build a circular economy by investing in initiatives like those made in last year's [Zero Waste PA](#) package that included limits on the use of single-use plastics

During a tour to promote your 2023-2024 budget plan, you told firefighters in Altoona, “We are going to work together to make sure we get PFAS out of the equipment that we’re asking you to wear. We’re already on that issue.” You have not mentioned it since and there is no evidence that you have acted on your promise.

Lead the Transition to a Fossil-Free & Sustainable Pennsylvania

It has been nearly a decade since Stanford’s Mark Jacobson developed [roadmaps](#) for the transition to renewable energy for Pennsylvania and the other 49 states. Jacobson’s is not the only model. For instance, the Ohio River Valley Institute recently produced a report entitled [A Clean Energy Pathway for Southwestern Pennsylvania](#). There is absolutely no excuse for the fact that 9 years after Jacobson’s proposal Pennsylvania is more entrenched in fossil fuels than ever and on the cusp of ushering in the next generation of fossil fuel production.

28. Ban further permitting of all fossil fuel projects.
29. Bring an end to taxpayer-funded incentives and subsidies for the fossil fuel industry.
30. Invest in protecting and remediating Environmental Justice communities.

31. Invest in transition of fossil fuel workers.
32. Invest in helping communities prepare for already unavoidable climate impacts of flooding, heat, pest infestation, and others.
33. Mandate replacement of school buses from diesel to electric by 2035, following [the model](#) of Governor Hochul's mandate in NY that is based on [EPA's Clean School Bus](#) program.

In our follow up letter after your 100th day in office, we noted that DEP's then-Acting Secretary Rick Negrin had hired Fernando Treviño to serve as Special Deputy Secretary for Environmental Justice. Mr. Negrin has since left the agency. We call for Environmental Justice to remain an agency priority under Acting Secretary Jessica Shirley.

Although your DEP continues allocating funds through Driving PA Forward, a program started by former Governor Tom Wolf, to replace diesel trucks with electric vehicles, you have not acted on our suggestion to implement a state-wide initiative (like those in New York and California) to replace diesel school buses with electric. This move would not only benefit the environment but would improve our children's health across the commonwealth.

You have not acted on our other recommendations.

We would be happy to meet with you to discuss the priorities we have listed above or to connect you with the member organizations that focus their work on some of the subjects we've addressed. In addition, we are hosting a series of noontime briefings this year to help inform you, members of the legislature, and staff on a wide range of issues. We urge you to attend the sessions or watch the recording we will send after each briefing. We also invite you to take the tour of SWPA fracking impacts that we work with Lois Bower-Bjornson in Washington County to schedule. No sitting governor has ever visited an impacted community. We look to you to break that regrettable record, especially given your familiarity as Attorney General with the plight of people in Dimock and elsewhere in Pennsylvania.

Our invitations still stand.

Respectfully,

Karen Feridun, on behalf of the Better Path Coalition
Karen Elias, Climate Reality Project: Susquehanna Valley Chapter
Michael Bagdes-Canning, Marcellus Outreach Butler
Rabbi Michael Pollack, March on Harrisburg
Tamela Trussell, Move Past Plastic
Craig Stevens, Patriots from the Oil & Gas Shales
Michael Bagdes-Canning, Pennsylvania Action on Climate
Barbara Jarmoska, Project CoffeeHouse
Tammy Murphy, Physicians for Social Responsibility Pennsylvania
Chris DiGiulio, Watchdogs of Southeastern PA (WaSEPA)