

The Honorable Josh Shapiro

January 10, 2023

Dear Governor-Elect Shapiro,

Last summer, the Better Path Coalition and our partners in the Pennsylvania Climate Convergence Network installed the second biggest climate countdown clock in the Americas in the East Wing of the Capitol. When you take the oath of office on January 17, the clock is on track to read that we have 6 years and 185 days left to avoid the worst impacts of climate change. If you choose to run for a second term, history tells us that you will likely be reelected. If you follow the lead of the shale gas governors, Rendell, Corbett, and Wolf, the clock is guaranteed to count down to zero on your watch.

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. You have adopted the grand jury's recommendations as your priorities. Unfortunately, the recommendations are wholly inadequate. You cannot regulate the unregulatable. You cannot save the planet by slapping wrists.

You must take aggressive action to promote fossil free solutions to energy consumption. We hope that members of your transition team are advising you on that critical priority. The Better Path Coalition is a frontline- and grassroots-led statewide coalition made up of organizations that are more focused on fossil fuel and petrochemical production than consumption. Our focus is reflected in the following list of priorities for your administration.

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 based 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, storage, and distribution. Intermediate steps toward this end include the following:
 1. Rescind permission for Coterra to continue drilling operations in Dimock and permanently protect Dimock and its environs from future drilling.

2. 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.
3. Make illegal the use of nondisclosure agreements to silence victims of oil & gas drilling.

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](#), [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.

2. 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.
3. Remove the ten-year freeze on well bond amounts recently passed by the legislature and allowed to become law by Governor Wolf.

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.

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.

5. Ban road spreading of all oil and gas drilling waste.
6. Hold oil and gas companies accountable for their waste and pollution and make them pay for the harm they produced.
7. Disallow DEP from negotiating with operators on fines or violations.
8. Disallow DEP from giving operators workarounds or ways to avoid certain regulations by granting waivers when none should be granted.
9. 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 the best (and most up-to-date) engineering practices.
10. 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.
11. Ban disposal of toxic, radioactive drilling waste in all Pennsylvania landfills.
12. Ban the processing of landfill leachate at wastewater treatment plants and the spreading of the waste, dubbed 'biosolids', on farm fields.
13. 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.

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 which that leaked an estimated 1.29 billion cubic feet of methane gas between November 6th - 19th last year.. DEP Acting Deputy Secretary Kurt Klappowski told the agency's Technical Advisory Board that they "got lucky" because of the field's remote location.

14. Place a moratorium on new gas storage reservoirreservoirs permits.
15. Enforce much stricter monitoring by transparent DEP inspectors, or neutral external inspectors, and absolutely do not allow industry self-reporting.
16. Enforce immediate remediation of all high-risk reservoirs.

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.

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

Jumpstart the Move away from Single-Use 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.

23. Ban the use of PFAS chemicals.
24. Ban the disposal of extant PFAS chemicals in landfills.
25. Ban all forms of “advanced” or chemical recycling, including pyrolysis, gasification, and depolymerization.
26. 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.

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.

27. Ban further permitting of all fossil fuel projects.
28. Bring an end to taxpayer-funded incentives and subsidies for the fossil fuel industry.
29. Invest in protecting and remediating Environmental Justice communities.
30. Invest in transition of fossil fuel workers.
31. Invest in helping communities prepare for already unavoidable climate impacts of flooding, heat, pest infestation, and others.
32. 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.

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.

Respectfully,

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