



May 4, 2022

Re: Opposition to HB2451 entitled “An Act amending the act of July 7, 1961 (P.L.518, No.268), known as the Delaware River Basin Compact, in general provisions, further providing for regulations and enforcement”

Dear Pennsylvania Senators,

Delaware Riverkeeper Newark opposes HB2451, which aims to overturn the decision by the Delaware River Basin Commission (DRBC) to prohibit hydraulic fracturing in the Delaware River Basin. HB2451 must be recognized for what it is – a self-interested attempt to take unilateral control of an interstate commission that is founded on the principle of cooperative watershed-based protection. To even suggest that the four states that have successfully worked together for 60 years should abandon their decisionmaking process by overturning the rightly approved ban on fracking in the watershed to benefit a special interest lobby shows a disregard for good government and a lack of understanding of the law. The DRBC decision in 2021 to ban fracking throughout the Delaware River Watershed was made after 10 years of study, research, data gathering and the examination of fracking’s impacts on water resources, the environment, and human health. Governor Wolf, Pennsylvania’s voting member at the DRBC, voted to enact the permanent ban, as did all his fellow Governors who make up the voting members of the DRBC - New York, New Jersey, and Delaware. The ban equally prohibits fracking in all four states and does so to protect the water supply for up to 17 million people who live in those states.

Pennsylvania voted to approve the Delaware River Compact in 1961 and, as a compact state, its Legislature cannot override the other states or the federal government by dictating regulations or picking and choosing what they prefer. HB2451 proposes to carve out an exception in the Compact saying that DRBC cannot enact regulations that “interfere with the operation or control of projects, structures or facilities constructed or used in connection with hydraulic fracturing”. Shamefully, the bill even exploits Russia’s horrific war against Ukraine as an excuse for increasing fracking. Despite the lack of reasoned thinking that increased fracking for export of Liquefied Natural Gas (LNG) would benefit any entity except a few corporate special interests and their representatives in Harrisburg, Pennsylvanians will bear all the externalized costs and all the harms of expanded fracking, especially considering that exports have resulted in higher domestic energy prices.

The bill repeats the same mistake of similar bills in the past that have attempted to dictate to the DRBC what that agency can do. The Pennsylvania Legislature cannot unilaterally amend the Delaware River Basin Compact, as this bill proposes. Regarding the DRBC’s authority, the bill would violate the

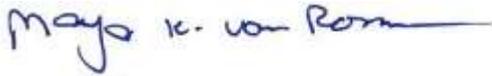
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Compact and principles of federalism, as a state simply cannot impose requirements on an interstate compact commission.

DRBC has the authority and the responsibility to take the action it has now enshrined into law to ban the use of hydraulic fracturing within the Delaware River Basin. The decision was rightly made to prevent the damage, water quality and water resource degradation and diminishment caused by fracking.

We strongly urge you to not advance this bill and if it does come up for a vote, to vote NO.

Thank you for your consideration,



Maya van Rossum
the Delaware Riverkeeper

Tracy Carluccio
Deputy Director