

NYState's high court to rule on local bans on energy exploration: towns vs. individuals and companies

By ACSH Staff — June 18, 2014



The Court of Appeals, New York's highest court, will soon rule

on a highly-controversial issue: Do localities have the right to [zone-out energy exploration](#) ^[1], including fracking for natural gas trapped miles below the surface in shale effectively banning the process?

The controversy arises from towns' concerns, fears actually, that fracking (high-volume hydraulic fracturing via horizontal drilling) might cause environmental degradation and even adverse health effects via water and/or air contamination. Anti-fracking activists have been loudly condemning the technology, despite these inconvenient facts:

*fracking has been going on in various U.S. regions for over fifty years, although this activity was "under the radar" until the drilling arrived at the Marcellus shale regions of the northeast;

*there have been no validated reports of fracking-related environmental nor health-related events or effects (see ACSH's [recently-published studies](#) ^[2] on this subject).

*the point is more or less moot, since Gov. Andrew Cuomo has maintained a moratorium on fracking in the state out of an excess of caution, as he puts it, or an excess of caving in to his ultra-environmentalist base, as we here at ACSH put it. (He has even gone so far as to try to shift the blame for his own pusillanimity to several of his commissioners, as if they were independent).

Those seeking to overturn two lower-court rulings supporting local restrictions include energy companies, and also landowners groups who demand the right to lease their own property's mineral rights to such companies for the money they can earn from it; they feel that the townships' bans are in direct violation of their private property rights. Those supporting the towns (in favor of local rules) include anti-frackers and those they've convinced of fracking's likely adverse effects, in their own opinions. Both sides have legal arguments based on applicable laws from the 1980s.

ACSH's Dr. Gil Ross had this comment: Clearly, the economic benefits to New York's economy and those individual NYers are vast, while the concerns of those who have swallowed the Josh Fox agenda as manifested in Gasland and those of Yoko Ono and her coterie are scientifically and medically baseless. They are more likely based in self-interest, but a careful review of the adverse

impacts of fracking will reveal that there is no there there. Let s hope the Court of Appeals listens to the science and overturns these bans; then Gov. Cuomo can decide if its worth it to him to be seen as a luddite.

COPYRIGHT © 1978-2016 BY THE AMERICAN COUNCIL ON SCIENCE AND HEALTH

Source URL: <https://www.acsh.org/news/2014/06/18/nystates-high-court-rule-local-bans-energy-exploration-towns-vs-individuals-companies>

Links

[1] <http://online.wsj.com/articles/new-york-fracking-cases-echo-past-gas-boom-1402969695>

[2] <http://acsh.org/2014/06/fracking-health-facts-vs-fiction/>