Why Criminalize Fracking?

10 Reasons

1. Criminalization removes fracking — an inherently harmful activity — from the rigged regulatory framework (DEC’s Division of Mineral Resources in this case) that is designed to benefit industry, not to protect people and nature.

Our law sits firmly within the criminal code, where it belongs. The regulatory process merely mitigates harm rather than preventing it. It operates on the absurd assumption that corporate technology and investment are by definition good for society. Meanwhile, the people are left with no recourse but to beg hamstrung or subverted regulators, politicians and courts to protect us.

We know that the unsustainable fossil fuel industries devastate people's health and lives, permanently contaminate the environment and have dire, long-term economic impacts. Such deliberate poisoning of people and the land is criminal by any civilized standard — witness innumerable accidents caused by negligence, incompetence, ambition, extreme weather:

- Amoco Cadiz / French coast
- Union Carbide / Bhopal
- BP / Deepwater Horizon
- Shell / Niger Delta
- Exxon Valdez / Prince William Sound
- Pemex / Ixtoc I
- PG&E / San Bruno, CA
- Texaco / Trans-Ecuadorean Pipeline
- Metropolitan Edison / Three Mile Island
- Cabot / Dimock, PA

— the list is endless.

2. Who are we and what gives us the authority to criminalize fracking?

We are people living in a supposed democracy. We have as much right as our elected officials to contribute to legislation.

Many of our legislators have closed their eyes to the fact that We the People do not want to be fracked. They’re influenced by corporate deceivers who promise economic boon to New York. In many cases, our representatives are also influenced by dollars flowing into their campaign coffers. We’re compelled to write our own bill because our New York State legislators have not.

We also feel betrayed by laws that assign development of New York resources to the executive branch and its DEC. We assert our democratic right to decide our own fate, so we’ve drafted a bill to criminalize fracking.

3. Traditionally, a society limits criminal behavior by writing laws to criminalize such behavior.

Those responsible for fracking must face punishment commensurate with their crimes. Fracking kills. Fracking must become a crime. Crimes must have consequences that correspond to the harm they cause, just like homicide, rape and child molestation.

4. Criminalizing fracking sets a high bar and is critically necessary to protect our communities from irreversible harm.

After several years of studying the issue and attempting to work with appropriate government agencies to little or no effect, the people of New York now demand what we really want from our legislators — prohibit fracking and all fracking-related activities everywhere in NY State.

5. We do not accept legislators aiding and abetting corporate criminals.

Corporate propaganda, pushed by industry-funded academics, experts and opinion polls, often influences elected officials by suppressing data exposing public health dangers,
greenhouse gas emissions and negative economic studies. Energy corporations use the cover of “environmental” organizations that limit their oversight to the industry-friendly regulatory process.

6. We do not accept the inefffectual regulatory half-measures that fail to protect and preserve the precious resources and ecosystems that sustain life and upon which all species rely for survival.

7. We must compel legislators and our government to follow the will of the people and enact legislation for the common good of the earth and all its species. Criminalization of fracking validates the authority of the people to express our life-affirming values by demanding consent from our elected representatives. We will do this by building a powerful statewide movement for criminalization.

8. Criminalization will eliminate the need for a multitude of fracking minutiae, such as setbacks, frack-fluid content, chemical parts per billion and how to classify waste. Criminalization will punish related industrial activities, such as massive water withdrawals, disposal of poisonous wastewater and drill cuttings, and will disallow the debasement of air quality and contamination of groundwater aquifers and wells.

The threat to water delivery infrastructure and municipal wastewater treatment plants will end. Criminalization gets to the heart of the problem: fracking and all fracking-related activities cause extreme harm and must become illegal.

9. Criminalization frees us from the shackles of begging for the mitigation of harm from regulators whose power preempts the will of the people. It shifts power to the people and fosters a culture of civic responsibility and cooperation.

10. Criminalization of hydrofracking provides a simple, easy-to-grasp narrative that will empower and unify New Yorkers across the political spectrum, from all walks of life. It acknowledges our sovereign authority to determine the future of our communities, our state and our country.