

November 7, 2023

## **Environmental Health Project Statement on Shapiro Administration and CNX Resources Collaboration**

*Underwhelming health protections and multiple loopholes; Shapiro must acknowledge health risks and take meaningful action.*

### **Background**

Pennsylvania Governor Josh Shapiro, who campaigned on stronger health protections for Pennsylvanians, given their constitutional guarantees to clean air and pure water, [announced](#) on November 2, 2023, a collaboration with CNX Resources, a shale gas extraction company based in Canonsburg, PA.

Details of this collaboration, provided in a Statement of Mutual Interests between the Governor's Office and CNX, can be found [here](#).

### **Environmental Health Project Statement on the Announcement**

A Statement of Mutual Interests issued by Governor Shapiro and CNX Resources touts its "radical transparency," but it is not, and it should not be celebrated as such. Governor Shapiro's announcement reads as nothing more than a delay tactic, and it is inappropriate coming from a governor who, as Attorney General, previously called for much stronger actions to protect public health from exposure to shale gas activities. Painting this venture as a means to delivering on his promises to defend public health is disingenuous, especially for the frontline communities that were counting on his leadership in protecting the health of their families and neighbors.

The Statement of Mutual Interests reveals underwhelming health protections and multiple loopholes excusing CNX from public disclosure of relevant information. Furthermore, in the "Radical Transparency Efforts" section of the statement, CNX does not promise much more than what is already legally required of it in Pennsylvania, and there are no stated consequences for failing to deliver on those promises.

More specifically, the statement describes a voluntary increase for CNX well pads from the legally required 500 feet between gas wells and occupied buildings to 600 feet, with a 2,500-foot setback from schools and hospitals. While a slight improvement over current regulations, this increase is a major step backward from [Grand Jury recommendations](#), released under Attorney General Shapiro in 2020, which recommended a 2,500-foot setback from all buildings.

We have no evidence that shale gas development can be done without harm to human health, and there is no established “safe” distance from well pads. Having said that, [EHP's recommendations](#) are a minimum of a 3,300-foot (1 km) setback from small wells and other facilities and a 6,600-foot (2 km) setback from large well pads and other facilities. These distances are based on a large and growing body of [academic research](#) and a recognition that farther is ultimately better for reducing health harms.

CNX's voluntary disclosures within this statement include loopholes that do not protect public health or guarantee the public access to useful, timely information:

1. The nature of the Comprehensive Site Data Collection and Study to be conducted by CNX in collaboration with the DEP is concerning, as it will focus on only two future well sites, rather than any of the company's more than 500 wells currently operating within the state or on wells of DEP's choosing. Given CNX's lengthy history of [regulatory violations](#), it would be plausible to assume that the study itself would be biased, with only pre-selected sites put under a microscope and then held up as a representative sample of standard operations across the state. Most concerning, however, is the idea that this study will serve to inform future conversations about appropriate setback distances, rather than having those conversations now and making use of existing, unbiased information.
2. Researchers and health professionals are limited in what they can do and learn in Pennsylvania because transparency of proprietary chemicals used in the drilling and fracking processes is still [protected from disclosure](#) under state law. The statement between Governor Shapiro and CNX upholds the option for CNX to refrain from disclosure of chemical information “subject to trade secret claims” at the cost of Pennsylvanians' health. What goes into the ground during the hydraulic fracturing stage is concerning, but so is what comes back out: methane, volatile organic compounds, proprietary chemicals, and radioactive elements. Harms are associated not just with the drilling and fracking stages but with the production stage, which goes on for years at any given well pad.
3. The statement stipulates that CNX will begin to install and implement continuous monitoring of air quality, specifically particulate matter (PM2.5) and four toxic substances: benzene, toluene, ethylbenzene, and xylenes. CNX has stated it will publicly share these air quality measurements in real time on a website. However, CNX may delay or suspend this real-time reporting “at its discretion.” Given the industry's historical record of [underreporting data](#) and misinforming the public, the DEP should closely watch this monitoring and reporting process and take immediate steps to hold CNX accountable if any failures are detected.

Dozens of peer-reviewed [epidemiologic studies](#) and hundreds of [other investigations](#) conducted over the last decade point to a range of health harms from exposure to shale gas emissions, particularly from well pads. [The Pennsylvania Health and Environment studies](#), three new taxpayer-funded studies released less than three months ago, revealed higher risks of asthma, cancer, and adverse birth outcomes for people living near well pads. Some of those impacts were noted at distances as far as 10 miles away since the largest buffer of the studies was 10 miles, but the studies also demonstrated even higher risks at closer buffers. Governor Shapiro

has yet to release a statement about the findings of these studies but instead is diverting attention to this new collaboration, one that will presumably inform a conversation about protective buffer distances only after it has been completed several years from now.

Pennsylvania is not in the position to wait for more information before taking action or to allow more people to be harmed in the name of waiting for “one more study.” Additional well-constructed, unbiased, independent studies, if and when they are conducted, will undoubtedly add more reliable information to the existing body of public health knowledge, but they should not preclude immediate action to protect public health when relevant, useful information is already available.

The field of public health is characterized by swift action to reduce the risk of harm, sometimes based on limited information that is available at the time. Thanks to years of study after study, we no longer have limited information, but we have yet to see any type of swift or comprehensive [action on the part of the Commonwealth](#)—including the Governor’s Office, state agencies, and the General Assembly—to protect Pennsylvanians from health harms from shale gas infrastructure. We call on Governor Shapiro to acknowledge the health risks associated with shale gas development today.

**Alison L. Steele, Executive Director  
Environmental Health Project**

### **About EHP**

The [Environmental Health Project](#) (EHP) defends public health in the face of oil and gas development. We provide frontline communities with timely monitoring, interpretation, and guidance. We engage diverse stakeholders: health professionals, researchers, community organizers, public servants, and others. We do so because knowledge protects health.