

## Christopher Vickery

"The only freedom which deserves the name is that of pursuing our own good, in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it." John Stuart Mill, *On Liberty*.

Property owners's rights must be respected, but only insofar as the exercise of those rights does not negatively impact the rights of others. At this time there remain serious questions about the use of fracking to extract natural gas deposits. Some of those questions are due to secrecy, as drilling companies withhold information about the nature of the liquids they use during fracking operations. Some of those questions are based on evidence, such as the apparent increase in earthquake activity in fracking zones. Other questions are simply intuitive uncertainties with lack of evidence one way or another, such as concerns about the reliability of the linings used to hold fracking fluid ponds or the concrete linings designed to preserve the integrity of aquifers penetrated during drilling operations.

Sometimes "not enough information" is used as a smokescreen to impede regulation of existing practices. The tobacco industry used this tactic to delay or deflect the release of available evidence that their products are detrimental to people's health. In that case the evidence was there, but suppressed. But sometimes "not enough information" really means "not enough information!" The DRBC's notice of proposed rule changes correctly notes the uncertainty associated with fracking at this time: there is not enough valid and reliable information available to be sure that fracking will not impact regional aquifers negatively or even catastrophically.

Given that the consequences of a wrong decision could have such a large negative impact on public health, the DRBC is correct to proceed with extreme conservatism on the issue.

It is correct and proper for the DRBC to prohibit fracking in the Delaware River Valley. It might also be appropriate to revisit this prohibition at such time as enough creditable evidence has been obtained to warrant reconsideration. However, until research methodology can be developed and executed to show definitive integrity of aquifers in fracking regions, the DRBC is correct to issue a permanent ban on the practice. The underground water rights and associated health rights of millions of people in the region trump the surface-land rights of thousands of property owners.