November 25, 2020

TO THE HONORABLE SENATE OF THE
COMMONWEALTH OF PENNSYLVANIA

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 790, Printer's Number 1446.

While this legislation attempts to address the distinct challenges associated with the conventional oil and gas industry, it does so in a manner that does not adequately protect the environment and the public health and safety of the citizens of the Commonwealth, and would contribute to a legacy of environmental degradation.

The Department of Environmental Protection has repeatedly offered to engage collaboratively with the General Assembly and the regulated community to develop requirements specifically tailored to the conventional oil and gas industry's operations. Unfortunately, instead of seeing that collaborative approach through, this legislation was pursued, which rolls back protections for safe drinking water, weakens protections of public resources, allows more spills to go unreported, and avoids erosion and sediment control permitting requirements. This legislation poses an unacceptable risk to the environment and the public health and safety of our citizens.

At a time when the conventional industry is still incurring violations at three to four times the rate of the unconventional industry, this legislation is completely unacceptable. Finally, several provisions in the bill relating to burdens of proof, municipal input, public participation, and inadequate authority to regulate and enforce environmental standards run afoul of the Pennsylvania Constitution and, based on precedent, would likely not withstand judicial scrutiny. The substantive issues outlined herein only address a fraction of the concerns related to this legislation.

For the reasons set forth above, I must withhold my signature from Senate Bill 790, Printer's Number 1446.

Sincerely,

Tom Wolf
Governor