



June 7, 2017

S.5197-A (Serino) / A.6825-A (Barrett)

Title: An act to amend the environmental conservation law and the navigation law, in relation to consideration of environmental conditions when permitting petroleum-bearing vessels to enter navigable waters.

Statement of Opposition: The extraction of Canadian tar sands and North Dakotan Bakken shale oil has sparked a firestorm of controversy in New York as oil companies have been using the nation's railways and waterways to transport this dirty fuel from the North American heartland to its coastal refineries thousands of miles away. While the Hudson River has for centuries been used to transport goods by barge, including petroleum products, there has never been such a concentrated effort to use the river for crude oil throughput from its North Dakota source to global refineries. The lifting of the Crude Oil Export Ban has only increased the significant traffic of crude oil barges on the Hudson. Since 2012, two companies, Global Partners and Buckeye, have received permits to transload 2.8 billion gallons per year of fracked crude oil from rail to barge at the Port of Albany. This dramatic increase in crude oil shipments has degraded local air quality and endangered environmental justice communities living within mere feet of the facility. This has also made Albany a global epicenter for crude oil transport, though the economic benefits have been minimal.

A proposal currently before the Coast Guard would allow 43 new anchorages for massive ships and barges – from Kingston to Yonkers – for crude oil to be stored on the Hudson while vessels wait for space at refineries and transloading facilities. Vessels may also choose to remain at anchor for extended periods of time to wait out low prices on the global market – making the Hudson and inappropriate long term storage area for crude oil. This expanded congestion of anchorages will endanger the river with an increase in spills, despoil the scenic beauty of the river and threaten the survival of critical species, like the Atlantic sturgeon.

While the State of New York is preempted by federal rules governing interstate commerce and cannot ban the shipping of crude oil on the Hudson, we can set conditions guiding appropriate anchorage sites that take into consideration the protection of critical estuarine habitat, municipal drinking water supplies, safety along a navigation corridor and riverfront community character. S.5197-A would enable the Commissioner of Environmental Conservation to consult experts in the public and commercial use of the Hudson River when establishing guidelines for (a) minimum conditions under which petroleum-bearing vessels may enter or move

upon the navigable waters of the Hudson River; (b) minimum conditions under which petroleum-bearing vessels may enter or leave any major facility, port or harbor along the Hudson River; and (c) physical and environmental conditions for the establishment of tanker-avoidance zones. The bill maintains the right of vessels to anchor anywhere in the river in cases of great emergency.

Sierra Club strongly urges you support of this legislation