

Banning offshore oil and gas drilling

May 7 2019, by Steve Cohen

Last week, New York's Governor Andrew Cuomo signed a bill passed in February that banned oil and gas drilling off New York's coastline. The state's action was in part a response to the Trump Administration's plan to encourage drilling any place and in any way they can. New York's bill back in February was one of the first responses to the administration's newest proposal to promote fossil fuel extraction. As Alison Chase of NRDC (and a one-time student of ours at Columbia) recently observed in [Ecowatch](#):

"Governor Andrew M. Cuomo hammered home New York's vehement opposition to harmful and outdated offshore drilling Monday by signing A. 2572/ S. 2316. The legislation, sponsored by Assemblyman Steve Englebright and Senator Todd Kaminsky and passed overwhelmingly by the Legislature the first week of February, amends [state law](#) to... ban oil and gas exploration, development and production in state coastal and tidal underwater land; and...prohibit construction of any new infrastructure in New York to transport oil and natural gas developed in the North Atlantic Planning Area, the [federal government](#)'s designation for federal waters offshore the tri-state area and New England."

Governor Cuomo has increased his visible opposition to the Trump Administration, particularly on issues of environment and climate change. Cuomo's support of the transition to [renewable energy](#), maintenance of the moratorium on fracking, and concern about nuclear reactor safety have been consistent themes of his time in office. The celebration of this bill signing was a media event held at Jones Beach, on the south shore of Long Island, and featured both Governor Cuomo and

Long Island's most famous pop singer, Billy Joel. This type of high-profile event illustrates Cuomo's goal of seeking visibility for his pro-environment positions.

A second and possibly more important response to Trump's oil and [gas drilling](#) plans has been judicial oversight. According to [NY Times](#) environmental reporter Coral Davenport:

"In following Mr. Trump's directive to expand offshore oil and gas drilling to almost the entire United States coastline, the Interior Department released a draft plan last year and was expected to release a final version this year.... The draft plan called for drilling off nearly the entire United States coastline. But the March 30 decision by Judge Sharon L. Gleason of the United States District Court for the District of Alaska concluded that a ban by President Obama on about 120 million acres of the Arctic Ocean and about 3.8 million acres in the Atlantic "will remain in full force and effect unless and until revoked by Congress." She wrote that an April 2017 executive order by Mr. Trump revoking the drilling ban "is unlawful, as it exceeded the president's authority."

Davenport reported that much of Trump's effort to deregulate the environment has been tied up in court battles. The incompetence of the effort to undermine environmental law without modifying those laws in Congress can be measured by the fact that the administration has already lost 40 environmental cases in federal courts. The draft oil drilling plan has now been withdrawn by the Trump Administration, but there is little question that a new plan will be written to encourage drilling.

Trump's effort to dismantle [environmental regulations](#) without revising the laws that require those rules exposes an inherent flaw in the administration's environmental strategy. No one in power is foolish enough to believe that these laws do not have broad and deep public

support, so the Trump attack has focused on the regulations rather than the laws. However, the flamboyant incompetence of Trump's first EPA administrator, Scott Pruitt, has been replaced by the low-key bureaucratic competence of his recently confirmed second EPA chief, Andrew Wheeler. Wheeler is not trying to win elective office in Oklahoma and has a long history of quietly advancing his anti-regulatory agenda through more careful efforts to dismantle rules. Pruitt wanted to make sure that everyone knew he was moving to dismantle a rule. His style was the direct regulatory mugging. Wheeler would prefer that you not even notice that the rule had been undermined. He will try to quietly redefine how risk is measured, or subtly reduce the resources allocated for inspection or enforcement. The regulation is stripped of operational meaning, but remains on the books.

Most people know that mitigating global warming requires a transition from fossil fuels to renewable energy. Government policy should be discouraging rather than encouraging the extraction of fossil fuels from the ground and from beneath the sea. Fossil fuels damage the environment during extraction, transport and burning. The transition to renewable energy will be a long, difficult, complex undertaking. Government policy should be used to facilitate rather than impede that transition. Public policy that promotes fossil fuel extraction is harmful to our planet and to our economy.

Most of the earth is covered by oceans and their vastness has often been used as an excuse to ignore their health. In the old days engineers might say that the "solution to pollution is dilution" and what environmental resource was more capable of diluting poison than the ocean? The problem is that human impacts are accumulating and the oceans are rapidly degrading: coral reefs are dying; plastics that do not biodegrade are accumulating; and, the impact of fossil fuel extraction is growing. While most drilling operations are conducted without incident, human error being what it is, mistakes are inevitable and the visible impact of

damage is growing.

The future does not belong to the nation that pumps, sells and burns the most fossil fuels. The cost trends have long been obvious. As the technology of renewable energy and battery storage advances, its price will continue to go down. As fossil fuels become more scarce and difficult to extract, their price will go up. That the Trump Administration denies climate change is bad enough. That it fails to understand the economic potential of the renewable energy business is dangerous to the nation's long-term economic well-being. In an economy that is increasingly focused on services rather than goods, on software rather than hardware, Trump's emphasis on the businesses of the mid-twentieth century is short sighted, superficial and deceptive. In an economy that is characterized by global competition, his anti-immigrant, anti-research, anti-education policies are a threat to America's long-term economic future.

We are fortunate that in our federal system, states retain sufficient sovereignty to control their coastlines. Local support for clean oceans is strong anyplace there is a beach that people visit, or use for swimming, fishing or boating. Perhaps the president should consider taking a break from golf and head to the beach during his next visit to the "southern White House" at Mar-A-Lago. According the [resort's website](#), the resort includes a very fancy beach:

"The Beach Club extends the Mar-a-Lago Club property to include the two most captivating acres of direct access private beach anywhere on the East Coast. Each member and guest that arrives at the extraordinary Beach Club will have an oceanfront experience unlike anything ever had before...The Beach Club also offers six beachside cabanas and two penthouse suites that have been newly remodeled to compliment the sparkling Atlantic Ocean just steps away."

I'm pretty sure the "oceanfront experience" would not be enhanced by an oil slick brought in by the tide, and the "sparkling Atlantic Ocean" would be better if it wasn't polluted by plastics, other floatables and toxic substances.

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