



## Pennsylvania Office of Attorney General Fact Sheet

### Department of Health Submission

As DOH acknowledges in its response, the Grand Jury engaged extensively with the Department, including through the testimony of numerous DOH employees, detailed written submissions, and a presentation by DOH Secretary Dr. Rachel Levine. DOH was asked to respond to a series of questions posed by the grand jurors in drafting the report and the Grand Jury heard the Department's feedback, some of which is appears in DOH's response. Through this exchange the Grand Jury heard everything DOH had to say in its response and more. Thus, the grand jurors heard and understood DOH's views as expressed in its response to the Report; they just did not always agree with what DOH had to say.

### DOH claims that the grand jurors did not understand the nature of DOH's planned study into fracking and public health

DOH claims the Report inadequately describes the nature of its planned \$1 million-per-year study into the relationship between fracking and public health. In doing so, DOH cites to the introduction of the Report, where the Grand Jury noted that this study may be undermined by DOH's past practice of discouraging health complaints related to fracking. DOH response, p. 11 (citing Report, p. 9). The body of the Report, however, discusses the planned study in more detail, and the grand jurors state DOH intends to collaborate "with a research university" to study "trends and clusters of acute health harms and cancer rates in southwest Pennsylvania." Report, p 75. The Report reflects that the Grand Jury understood the nature of this study, which DOH described to the Grand Jury in its written submissions and through Dr. Levine's testimony. The study is a positive step, but it does not negate the problem that our government failed to effectively gather public health data related to fracking operations over the preceding decade.

### DOH claims it does not take a "wait and see" approach to fracking

DOH contests the Report's conclusion that the Commonwealth has taken a "wait and see" approach to the public health impacts of fracking, but does not rebut the Report's central finding that our government and DOH do not formally acknowledge the health risks of fracking operations, which facilitates a legal and regulatory regime that puts Pennsylvanians' health at risk. Report, pp. 68-69. ("Most significantly, our government -- including its Department of Health (DOH) -- does not recognize that fracking operations harm public health, citing insufficient research on the issue").

This is the "wait and see" approach the Grand Jury criticized; that while DOH acknowledges research supporting the view that fracking harms public health, it deems this research inconclusive, so they will continue researching the matter and "wait and see" whether research establishes more definitive proof.

The Grand Jury understood this perspective, but disagrees with the approach. After intensive investigation and testimony from many Pennsylvanians experiencing very serious health impacts, the jurors found the prevailing legal and regulatory regime inadequate to address these risks. The Report recommends sensible changes aimed at better protecting public health now. Yet the public is left to wonder DOH's views on these recommendations, as the Department did not address them in its response.

## DOH's claim that the Report is "incorrect" in stating DOH's protocols deterred people from reporting fracking-related health complaints

There is no disagreement between the Report's explanation for why DOH's efforts to gather public health data related to fracking operations fell short of expectations and the explanation appearing in DOH's response. The Report states,

As Dr. Levine acknowledged, despite DOH's concerted efforts to encourage those with fracking-related health complaints to participate in the enhanced registry, it was difficult to convince people to do so because the Department was not offering answers or solutions to their problems. People were not eager to spend upwards of an hour completing a detailed health survey when DOH had little assistance to provide them in return. Report, p. 75.

In other words, "individuals may have been deterred from participating in the survey because it did not provide an immediate tangible benefit to the person on the phone." DOH response, p. 8. DOH and the Grand Jury's view on this subject are the same because the Report reflects the facts provided by DOH during the investigation.



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