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## With The Coronavirus, As With Fracking, Too Much Scientific And Media Conformity Can Lead To Bad Policy

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In 2008, then acting New York Governor David Patterson ordered a temporary ban on hydraulic fracturing in New York State. His successor, Andrew Cuomo, promised to study the issue. For nearly six years, Cuomo reiterated that he would “follow the science” in making a final determination on whether or not to allow fracking in New York State. With the benefit of hindsight, we now know he never meant it.

During those next six years, Cuomo appeared publicly to waiver back and forth on the issue. At times, it seemed that the Governor might permit fracking in New York State. In fact, in 2013, Cuomo seemed ready to authorize a test program to allow as many as 40 wells to be drilled in the State. However, that allegedly ended when he spoke to his former brother-in-law, Robert Kennedy, Jr., an outspoken anti-fracking activist, who talked him out of it.

Another time, Cuomo’s then head of the New York Department of Environmental Conservation reportedly called the county executives in several of New York’s southern tier counties – where the Marcellus Shale basin is located – to advise that they should prepare to begin drilling. But of course it never happened.

Instead, in December of 2014, Cuomo made the New York Gubernatorial ban on fracking permanent. Cuomo cited a 184-page report prepared by the New York Department of Health that claimed that fracking was inherently dangerous and too much of a risk for New York State.

In truth, it appears the entire process had been a show. Based on what we have learned in the years up to the decision on fracking in New York State as well as in the years since, it appears that the final decision was made as much on political grounds as on scientific.

In the meantime, Cuomo was not the only one who was evidently manipulating and cherry-picking data on fracking. Some scientists themselves, as well as some members of the media, seemed to be doing the same thing.

In fact, in 2018, three prestigious and otherwise disinterested universities, Penn State, Yale, and the University of Cincinnati, each sponsored large studies investigating the connection between hydraulic fracturing and groundwater contamination. None of them could find one.

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Curiously, none of these studies ever received much press. Yale never issued a press release on its study, while Cincinnati held onto its study for months before finally releasing it. Conversely, many studies that purported to show the evils of fracking received dramatic press, often not consistent with the findings in the actual reports.

Further, toward the end of the Obama administration, the federal Environmental Protection Administration revised its report on hydraulic fracturing despite having little evidence to support its changes.

The changes were couched in language that could be construed as misleading, and more generally aligned the EPA with a political position instead of being wholly based on supportable scientific evidence.

Just over three years after the EPA made its revisions to the report on hydraulic fracturing, history seemed to be repeating itself, this time by shaping the way the press reported, the public discussed, and the scientific community investigated the origins and proper response to the novel coronavirus.

Very early in 2020 the public was told that a scientific "consensus" had been reached both on the origin of the virus and of the best means to contain its spread. This "consensus" was reached notwithstanding what we have since learned was substantial evidence that was not consistent with the "consensus". In the coronavirus context, the supposed "consensus" was that the pathogen developed naturally, and that it was not the result of human engineering or an accidental release of virus undergoing study from a laboratory into the environment. Further, the "consensus" continued that the best way to contain the disease was to lock down the public and to force other restrictions on the population.

In the face of such scientific "consensus," politicians raced to declare that they would "follow the science," despite the fact that the science itself remained decidedly unclear and, in many cases, was inconsistent with certain political priorities. Any scientists or others who dared to question the "consensus" were subject to ridicule, accusation, and even what seemed to be a targeted "takedown" by other scientists. Studies that cut against the "consensus," such as the one most recently released by Johns Hopkins University questioning the value of lockdowns in total, were curiously ignored by much of the scientific community, if not much of the mainstream media.

As with fracking, the result of this remarkable lack of curiosity and seeming "groupthink" by scientists and much of the mainstream press may well be the implementation of bad policy. Aside from the deaths and other adverse impacts that may have resulted, directly or indirectly, from the Covid lockdowns themselves, which for two years were rarely reported or even acknowledged by the scientific and media orthodoxy, the country is beginning to notice the adverse effects of coronavirus-response policies in education, socialization, anxiety, decreased productivity, societal malaise, and individual depression, as well as numerous other areas.

However, America's scientific and media communities finally seem to be waking up, at least partially, to the damage to the reputation of science in general that has been caused by the seemingly enforced orthodoxy about the coronavirus. It remains an open question as to whether that same lack of trust also manifests itself in the studies and the publicity that can be erroneously presented as factual relating to fracking.

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With regard to fracking, as the Ukraine situation now is reaching truly dangerous proportions, the Biden administration is scrambling to supply Germany and other countries in Europe with natural gas from overseas sources that are not Russian. The Administration is doing this while all the while restricting the ability of America's own natural gas bounty to pick up the slack.

Most decidedly, fracking is not a "green" process, but it is a far cry from the unmitigated danger to our planet that is often alleged by its opponents. As with most things, there are tradeoffs.

Fracking does provide substantial environmental benefit by allowing society to increase the use of natural gas. We thereby can meet our current and projected future energy needs with cleaner burning natural gas as we transition to so-called "greener" technologies, instead of having to rely on dirtier fuels that are far worse in terms of causing climate change as well as adding dangerous air pollutants to the air that we breathe. Unfortunately, fracking's case will not be made in the national television broadcast networks or major news outlets. They remain fully wedded to the negative fracking absolutism which leaves no room for discussion of any potential benefits.

To make good public policy, however, the benefits of fracking and the conversion first to natural gas must be considered. Instead, it will be up to individual Americans to determine for themselves the cost versus benefit of fracking. Meanwhile, perhaps the abuse of science during the coronavirus may eventually lead to a reevaluation of the place of science in political discussions generally, and also of those who claim to represent and follow science over any political agenda but sometimes do not live up to that.

#### **ATTORNEYS MENTIONED**

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