MS. VANESSA BROWN: Okay. Hello everyone. I'm Vanessa Brown and it's a great honor to be here and to participate in this historic session of the Permanent Peoples' Tribunal On Fracking, Climate Change And Human Rights. I really enjoyed listening to so many dedicated, compassionate and courageous people from all over the world talk about these issues.

Today I am representing 350 Vermont and the Green Mountain Druid Order. And I'm also representing myself. I am a single mother and an attorney and I feel that I'm deeply impacted by climate change and fracking.

I believe, as many other people have said during this tribunal, that climate change is deeply a spiritual problem as well as a scientific one and many people in Vermont also share those feelings.

And so I just wanted to tell you a little bit before I get started on sharing some of the testimony from Vermonters who have been working on fracking issues and climate change issues for many years a little bit about my background.
I am a former intern with the Spring Creek Project. I have founded an organization, the White River Reconciliation Project. I've worked with the Institute For Energy And Environmental Research in DC. I've been working on the Corvallis, Oregon mayor's office on sustainability projects when I was a student. I've worked with VPIRG in Vermont on their clean energy program.

And while I was in law school I studied, in addition to environmental law, I studied energy law and specifically hydraulic fracturing technology and the economics that are associated with it.

So my past work includes advising state and federal government officials and other legal professionals during the BP oil spill.

I grew up along the Juniata River in Blair County in Pennsylvania in the Marcellus shale region. And between 2006 and 2009 I monitored the Kiger Island site for the Willamette River Keeper in Oregon.

So here I am today and my job is to present the testimony of Vermonter who have been leading the efforts to transition our state away from fossil fuel dependence and are presently challenging the development of a refracked gas pipeline in Vermont.

Vermont was the first state in the nation to...
ban hydraulic fracturing and the disposal of fracked waste water because of its obvious human rights impacts due to the contamination of the water and the soil. And I'm also going to be sharing with you the testimony of the Grand River Keeper in Oklahoma who has been fighting fracking down there.

And so after the video I will go ahead and take any questions or make some recommendations but I think we're ready to go. And thanks so much for having me here today.

MR. BRIAN TOKAR: Good morning. My name is Brian Tokar. I'm a lecturer in Environmental Studies at the University of Vermont. Board member of 350 Vermont and the Institute For Social Ecology and the author and editor of several books. Most recently this one which is called Toward Climate Justice: Perspectives On The Climate Crisis And Social Change, which first came out in 2010 and was substantially revised and expanded in 2014.

We're gathered today in a really important place. This is Geprags Community Park in the town of Hinesburg, Vermont about a half hour from Burlington.

The events around Geprags Park were the apex of a four or five year campaign, which is still ongoing, to stop the construction of a new gas pipeline to...
transport fracked gas from Canada down the western side of Vermont.

At the same time that Vermont has banned fracking for gas or oil in state, we're continuing to import large quantities of gas and the gas company, which is Canadian owned, had planned on continuing to expand this pipeline pretty far south to connect with up all the infrastructure that would allow it to eventually transport fracked gas from the Marcellus shale in Pennsylvania and Ohio through Vermont to Canada.

The campaign, at this point, has not succeeded in stopping the first leg of the pipeline but a portion that was supposed to go underneath Lake Champlain to fuel a huge paper mill was stopped and we believe that we've set things in motion that may eventually shut down this pipeline -- you'll hearing a lot more about that this morning -- and certainly prevent the gas company from extending this pipeline any further.

The campaign against the pipeline here in Vermont has also inspired a state-wide campaign calling for no new fossil fuel infrastructure in the state of Vermont. And in early March on our annual town meeting day 36 towns all across Vermont passed resolutions calling for an end to the expansion of fossil fuel infrastructure and work toward alternatives.
These campaigns have, in many ways, been inspired by the themes of climate justice that are very much resonant with the human rights principles that are central to this Tribunal.

The climate justice movement, of course, highlights the disproportionate impacts of climate changes on those people around the world who are least responsible for the problem of excess emissions.

It brings forward the leadership of the frontline communities that are most affected and also embodies an understanding that the institutions responsible for abuses of the environment like fracking and all of the other causes of climate change are the same institutions that are responsible for a wide array of other social and economic injustices that we face. So we believe that climate change is fundamentally a human rights issue.

This movement is also focused on an understanding of moving toward solutions to the climate problem that go beyond the realm of the technical that really embrace a different outlook on how we want to organize our lives, how we want to organize our communities.

Here in Vermont we have many models of people living very well at much lower levels of consumption.
than are considered the norm in the US and throughout the industrialized world. And we continue to focus on community-based solutions to allow us to live better on this earth, to challenge the institutions responsible for various abuses and really look toward a very different kind of future.

MS. RACHEL SMOLKER: My name is Rachel Smolker and I'm a resident here in Hinesburg. And a couple of years ago I got involved in fighting this pipeline that is going through the state of Vermont because it was coming through this beautiful park, which is our only public park in this town.

This land was granted to the town by Dora Geprags who was a resident here for a long time. And in the deed of transfer it was specified that the park would be used only for educational/recreational purposes or for school.

And when Vermont Gas came along and said they wanted to build a pipeline through the middle of this park it created a lot of divisions in the town and those divisions are still festering and haven't fully been healed.

We took it to the Supreme Court and the Supreme Court ruled against us and the pipeline is now installed over behind me in the distance there.
When we sort of got to the end point with the Supreme Court we didn't feel we were done fighting this pipeline because we know that this pipeline has at least a 50-year life span or so, and we figured if we could stop it even tomorrow or a year from now or 10-years from now or even 20-years from now we would still be coming out way ahead.

We spent a lot of time researching and watching how the construction was being done. And the more we learned about pipeline engineering and how the contracting crew was working and seeing what was going on we realized this pipeline was being slap-dashed into the ground as hastily as possible and with just reckless disregard for our environment and our safety.

And we did many, many public records requests and ultimately we went to the federal regulating body, PHMSA. We said you need to look into this. The state is not doing their job of oversight. This is a danger to our communities.

I started out with this being a climate activist for a long time and I was concerned about fracking and I was concerned about the pipeline from the perspective of the impacts of methane leaking from infrastructure. But after learning and watching how the pipeline itself was constructed my concerns now are more...
for the safety of people who live along the pipeline route because we know that, for example, they put the pipeline into the trenches that they dug too shallow in some locations.

They didn't put the proper select backfill and padding around the pipeline in some places. They didn't compact the padding around the pipeline safely the way they're supposed to in some places.

We know that they didn't install trench breakers that were meant to prevent water from leaking out where they crossed streams and around the edges of wetland.

We know that they were lacking a quality assurance program through much of the construction of the pipeline.

There was regulations that the federal authorities required which are considered minimum standards and then the state had requested a lot of improvements upon that through a certificate of public good in our Act 250 Section 248.

And the company came and told the state they were going to do all sorts of things to ensure that this went far above the minimum federal standards but nobody came out and enforced and looked and watched to see what they were doing and ensure that they actually followed
the agreements that they had made with the people of Vermont.

And so now after very hastily getting the pipeline in to the ground, turning on the gas flow, telling everybody, oh, we are providing cheap, affordable, clean gas for all you eager customers out there, we are saddled with this very, very dangerous pipeline.

MS. LISA BARRETT: I'm Lisa Barrett and I live in Huntington, Vermont. And for just the last two years I have been deeply involved in this effort to stop the Vermont gas, fracked gas pipeline in Vermont.

And looking at it from the point of view of human rights it seems to me there is a human right to clean water. There is a human right not to be subjected to human made earthquakes. And there is a human right not to be killed for something as insubstantial as corporate greed.

I first got involved in this fight thinking that fracking was a terrible thing and it was incredibly hypocritical that this state that had banned fracking would allow a fracked gas pipeline. And that the state government would embrace a fracked gas pipeline.

I also first became involved because I was aware that in 2015 there was a heat wave in Pakistan and
India that was definitely caused by our climate emergency and that heat wave killed at least 2,500 people and there is no doubt that that was caused by our climate change emergency.

Now 2,500 people that's pretty close to the number of people who were killed on 9/11. When people were killed on 9/11 this country pulled out all the stops. Started spending billions of dollars to kill people in the Middle East and to make us jump through security hoops every time we wanted to do something.

But 2,500 people dying in Pakistan and India because of a heat wave that brought the temperatures to 130 degrees has not caused us to do anything to stop fracking, to stop fossil fuel infrastructure and the hypocrisy of that is overwhelming to me.

People have a right to live without fear. And too many people in our little state of Vermont who live along the pipeline route are living in fear and they're living in well-founded fear.

What causes them to be living in the incineration zone of a compressed gas pipeline?

It's corrosion that causes most of the explosions. We haven't had any explosions in Vermont. The pipeline is brand new but we have gas under pressure 600 pounds per square inch. We have pipe lying on the
soil. It has rocks in it that can rub holes in it.

We have pipe with joints that may not be properly sealed and we have pipes that are running miles under high voltage electric transmission lines. And that electricity can be conducted by the pipeline and the cathodic protection and other methods that are used to protect the pipeline from carrying that electricity are not working.

I'm one of the people, a small group of people, who has pored over thousands of pages of documents to see how this pipeline was built. And this pipeline has been built with a risk here and a risk there and a risk in another place. And when you add up all those risks it is terrifying for people who live near this pipeline.

We have to stop fracking and we have to stop fossil fuel infrastructure and we have to keep people from having to live in fear from a gas pipeline.

MR. NATHAN PALMER: My name is Nathan Palmer. I own Laughing Tree Farm in Monkton, Vermont. I'm one of the land owners who have been directly impacted by this pipeline.

When they decided to lay this pipe it was in 2012 and they made a chart for the original route that it was like so offensive to everyone that was along it.
So in the process of calming down some people they rerouted the pipeline and that's when it came directly across our farm.

My immediate response was what's this going to do to my soil? What's this going to do my water? I called a hydrogeologist and asked him what's this going to do my water? And he came over and did an investigation.

I called an agronomist at UVM and said what's this going to do to my soil or am I just freaking out here?

And she said, well, send me the information on how they're going to build this and I'll take a look at it because, you know, you are kind of an excitable guy. And maybe you are, you know, getting too excited.

I sent her the information. She came back with a report and said, you know, if they do this construction the way they say they're going to do it it will be 20 years at least for your soil to recover because I have heavy clay soil.

And even though I am not an organic farm I farm organically and there's just no way that the soil would be able to recover.

The hydrogeologist said the same thing. This
is heavy clay soil. You cut a 5-foot trench through this land you're going to change the water flow in many directions, and none of them good.

So we took that to the testimony and presented it to public service board and we were hoping that by bringing this information to the board that they would adjust the way the pipeline was built across the entire length of it.

Instead they adjusted how they were going to deal with our particular farm, as if our land was special and no other land is special. And the reality is all land is special. All water is special.

What I really have a problem with here is that, you know, we're sacrificing our water for fuel and that is a terrible situation to put society, to put anyone in, where you have to make a choice between whether you're going to be able to drink or whether you're going to be able to drive your car.

Because what happens is those that can afford to will drive their vehicles, heat their houses and drink their water and those who are on limited income are the ones who are going to have to decide do I buy a gallon water or do I buy a gallon of fuel to keep my house warm.

You know, it sounds kind of like out there a...
little bit but the reality is that water is precious and we don't value it the way that we should. It's like a commodity that we can get rid of real easily and we can come up with real easily and it's obviously getting harder and harder.

You can take that water and you can reclaim it enough that you can reuse it for fracking but you'll never be able to drink it. You'll never be able to feed your animals with it. You'll never be able to sustain a life with it. And that's really what it comes down to.

Are we going to have a liveable planet that we can live on and enjoy their life or are we going to have a place that is run, you know, by people that have a big pile of money in their bank accounts and the rest of us are just going to have to, you know, fend for it the best way we can?

You know, I was really hoping that after the pipe was built I could put this to bed and not have to deal with it any more but the reality is that it was built in a way that is so slipshod you don't even want to live there.

You know, they told me when they first were going to put this pipe through once we put this pipe through you'll forget it's there. If you forget it's there that's where you are going to have trouble.
it's going to get really serious.

MR. EARL HATLEY: I'm Earl Hatley. I am Grand River Keeper for the Grand River Watershed and my organization is the lead agency. I am Chickamauga Cherokee. I belong to the Long Hair clan.

Fracking started in Oklahoma around 2007. Oklahoma was lied to about what was causing the increasing earthquakes over time.

In 2013 the earthquakes began increasing tremendously. I had been fighting TransCanada and the Army Corps of Engineers who were building the Keystone XL pipeline southern leg from Cushing, Oklahoma to the Gulf. So I really couldn't turn to that at that point in time.

The Keystone XL southern leg was going to send tarsands and fracked oil from the Bakken region up in North Dakota and they had been sending it down to Cushing in another way through a TransCanada spur from Nebraska to Cushing.

Cushing is the largest terminal in North America and it's the crossroads for pipelines. If you saw a pipeline mapping of Cushing a plate of spaghetti would look more organized. I mean it's massive and so is the terminal part. And right now about half of it is now Enbridge. TransCanada had a good part of it at one
point in time when they were building the pipeline.

So in 2014 I got a letter from Devon Energy. They wanted to come on to my property that I still own in Payne County where most of the earthquakes were occurring and explore for gas -- or for oil. And I threw the letter away. And then a couple weeks later I got another letter saying I didn't respond to the first letter.

And so I looked it up and found that they could come on to my property anyway. So I wrote them and then I called them and I told them that I didn't want any part of it and they weren't welcome to come on to my property.

And they said, well, we'll, work around you. And I said, well, I don't think that my neighbors want you either.

About three weeks later I got another letter giving me ten days to respond or they were going to go to court and get authorization to come on to my land anyway.

I organized citizens groups and the state-wide group. And Stillwater, Oklahoma, which is the capital seat of Payne County, passed ordinances for oil and gas within the city limits which, in effect, keeps them out of the city limits of Stillwater. And they passed that
two weeks after the state legislature passed a law saying that the cities couldn't do that.

And they've been threatening with lawsuits but nobody has done anything so their ordinances stand. And we're really proud of them.

I can't come on to my property any more because I now have eight fracked wells in my square mile in my section and a disposal well a mile and a half away. And I have an autoimmune disease so when I go to my property within five minutes I start getting headaches and I start getting sick. And the longer I stand there the sicker I get. And it takes me about three weeks to recover when I go back home where I live.

In 2016 we had 10,000 earthquakes, maybe more than that, and the USGS is saying that even if they stop now we've still going to have a 6.0 or 6.5 or even larger in our future. Probably several of them because of all the faults that they've awakened now.

And some of our people that called in to the corporation commission about their homes being destroyed were told, well, you shouldn't -- you should be proud because you're contributing to our independence on oil and boys won't have to go to the Middle East to fight, you know, so that's your sacrifice.

Most people don't have earthquake insurance
because we're not an earthquake state. So their homes
didn't come with earthquake insurance. And the few that
did the insurance companies won't insure homes that are
damaged by man-made earthquakes.

You know, people are stuck with damaged homes
in the 14 counties where the earthquakes are happening
where the fracking is happening. And now fracking is
coming back because the price of oil is high.

So they're just going down and widening roads
and getting ready for huge infrastructure of oil and gas
exploration in these counties and the earthquakes are
going to be coming back big time.

Now they're drilling more shallow wells to get
at the oil that is more shallow. So more and more
ground water is going to be contaminated.

Thank you.

MS. FERN LICKFIELD: Hi. So I'm Fern
Lickfield and I am here from the Green Mountain Druids
School & Community. I'm based in Worcester, Vermont. I
teach a lot about how to be a steward and how to connect
more deeply with the spirit of place.

You know, before there were individual
religions with different Gods all of our ancestors, if
you've traced them back far enough, come from a place of
animism. And this is just understanding that everything
is alive and all life is sacred.

And that means that we are connected to everything else because the same spirit that animates the tree animates us. And so when we remember this, and I love the word remember, it's about pulling all of our pieces back together and remembering that we're not on top of this evolutionary pyramid. We're actually in a web. And we are connected to everything. So that means everything that we do affects everything else.

So it's very much about taking responsibility. It's about understanding that the health of the human is deeply dependent on the health of the land and on the water and on the air. And it means also that health is not just about this level of physical. You know, it's not just our bodies.

We know that as humans for us to feel healthy we have to pay attention not only to our physical health but to our mental health and our spiritual health. And so we also look at that at the macrocosm level with the land. And really has a lot to do with slowing down enough to listen and to hear what the land and the waters need from us.

MS. VANESSA BROWN: So thanks for listening to the testimony from Vermont folks and Earl Hatley in Oklahoma.
We have come together and talked through some recommendations to make to the Tribunal. We don't agree on all of them but we have a few that we would like to suggest as far as what we think should be done.

We would like to see the Tribunal issue an order requiring all the fossil fuel companies to immediately disclose the chemicals that are contained in the injections fluids. And to clean up the waters of the earth;

We'd like all fracking operations to take immediate action to tighten controls on infrastructure and prevent methane leaks;

We would also like to see the immediate phase-out of all fracking and also other fossil fuel operations:

We would like national and state governments to be prevented from issuing new permits for fossil fuel infrastructure;

We would like all fracking companies to, as an alternative, have all fracking companies implement state of the art measures to prevent leakage;

And we'd like to shut down fracking sites where ground water protections are clearly failing;

And finally we'd like for the Tribunal to impose steep and strict sanctions on public officials that refuse to comply with these orders.

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So that's what we've got and I thank you so much for being here and allowing us to tell you our stories.

DR. THOMAS KERNS: Thank you. Well, I'm not one of the judges but I do have a question.

MS. VANESSA BROWN: Sure.

DR. THOMAS KERNS: About the difference between regulating, you know, strictly regulating fracking and banning fracking.

Some people have argued that it can't be regulated sufficiently enough to be safe and that the only way to protect human and nature's rights would be to ban it.

So where are you on that question?

MS. VANESSA BROWN: I would think that -- I would agree as well as the other individuals who testified today, would agree that fracking cannot be regulated and protect human rights at the same time. That they're exclusive.

That the technology fundamentally violates human rights and the rights of nature.

That for a number of reasons you have green house gas emissions. I believe that in my Brief I had highlighted some science that concluded that fracking exacerbates climate change and that the emissions from...
it contribute, they're much higher.

And so if you were to regulate it it would be a half measure that doesn't -- it doesn't affect CO2 levels in the atmosphere. So it would not get the job done basically, in effect.

DR. THOMAS KERNS: Thank you.

Gill, do you have any questions?

MR. GILL BOEHRINGER: No. I just wanted to follow-up.

So I take it that you're, as we say here, your ambit claim would be to ban fracking but you made some recommendations or requests to the Tribunal less than that. And I guess, well, it must be that you reckon that in addition to asking for a ban we ought to, in the meantime, until that can be worked out, suggest certain measures that might help to mitigate the damage.

MS. VANESSA BROWN: So provisional measures, yes. So when we discussed an outright ban, suggesting an outright ban to you, a lot of folks laughed. They said, oh, we wish that would happen. You know, that that would be an order that would be complied with. And so we think that is what needs to happen but we see that, you know, it's likely not going to happen. We're not going to be, yeah.

MR. GILL BOEHRINGER: It's David and TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833
1 Goliath at the moment isn't it?

2               MS. VANESSA BROWN: Yes.

3               MR. GILL BOEHRINGER: Golaith may be
4 weakening and David may be getting stronger.

5           Just one point. I missed it. I wasn't quite
6 sure could you tell me when Earl Hatley was talking he
7 said he was a Vermont resident but the example he was
8 giving was actually from Oklahoma.

9               MS. VANESSA BROWN: That's right. Earl
10 has moved part-time to Vermont mainly because of his
11 inability to stay on his property and so -- yeah.

12               MR. GILL BOEHRINGER: Didn't want to be
13 homeless.

14               MS. VANESSA BROWN: Right.

15               MR. GILL BOEHRINGER: Okay. Thanks.

16 That's great. Really, really good.

17 I have a nephew who has a place in Vermont
18 that I visited about a year ago.

19 Actually let's say it was in the middle of --
20 it was in January. I found it very cold but I see it's
21 a place well worth fighting for and to protect. It's a
22 beautiful area.

23               MS. VANESSA BROWN: Thank you.

24 [youtube.com/watch?v=GK_qTdSWYuw]

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