



For Immediate Release:
April 4, 2016

Contacts:

Nate Bellinger, Our Children's Trust, 413-687-1668, nate@ourchildrenstrust.org
Xiuhtezcatl Martinez, Earth Guardians, 303-828-6605, xiuhtezcatl@gmail.com

Colorado Youth File Appeal After Court Places Oil & Gas Development Above Public Health Interests

Denver, Colorado – Today, six youth plaintiffs appealed Denver District Court Judge Eric Elliff's adverse decision to their fracking and climate change lawsuit. In his decision, Judge Elliff affirmed the Colorado Oil and Gas Conservation Commission's order to deny the fracking petition brought by the young plaintiffs, determining that the Commission is required to "strike a balance between the regulation of oil and gas operations and protecting public health, the environment, and wildlife resources."

"Our health and safety are on the line," said Xiuhtezcatl Roske-Martinez, 15-year-old plaintiff and youth director of Earth Guardians. "For the future of all Coloradans, it was imperative for us to file this appeal. It's a preposterous idea that the Commission need to strike a balance between regulation of oil and gas operations and protecting the health of Coloradans. The Commission's priority should be the health and safety of us, the people. Right now, our government is putting their profits above our futures and that needs to stop."

Contrary to the plain language of the Colorado Oil and Gas Conservation Act, the court said that is appropriate for the COGCC to "balance" oil and gas development with the need to protect public health, the environment, and wildlife. In reaching this conclusion, the court ignored plaintiffs' arguments that such an interpretation of Colorado's Oil and Gas Conservation Act would allow for the continued infringement of their constitutional rights, including "the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness," rights that oil and gas development are harming. The court also ignored the plethora of evidence before it detailing the serious harms that oil and gas development is causing to Coloradans public's health and to the environment.

The case was brought by six inspiring youth who are all members of the Boulder-based organization Earth Guardians. The youths' case against the Commission arose out of a petition for rulemaking that asked the Commission to stop issuing permits that allow oil and gas drilling until it is proven that drilling can be conducted without adversely impacting human health and safety and without harming the environment and wildlife. The Commission denied the petition, finding that it did not have the authority to issue the requested rule and that "other Commission priorities...must take precedence." The plaintiffs challenged this decision, arguing that the Commission must place human health and safety above the interests of the oil and gas industry in Colorado.

“Without question, this decision places public health at a level that is only as important as corporate dollars,” said Julia Olson, a native Coloradan and executive director and chief legal counsel at Our Children’s Trust. “The health, safety and welfare of all Coloradans are now subordinate to the interests of fossil fuel industry’s development of oil and gas resources. While no one suggests that public health, safety and welfare should be the sole factors, they should certainly be the primary factors in everything the state does, including natural resource development. This court went so far as to say that there is no legislative intent to make public health the primary factor in Defendants’ decisions to issue oil and gas permits.”

The six youth plaintiffs and their attorneys are hopeful that the District Court’s decision will be reversed by the Colorado Court of Appeals.

***Earth Guardians** is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org*

***Colorado Environmental Law** is the law practice of Katherine Toan, Esq., based in Boulder, Colorado. Katherine works on behalf of individuals (primarily farmers and ranchers), nonprofit organizations, and local governments in a variety of environmental and natural resource law issues, including oil and gas, wildlife, and land use.*

***MindDrive Legal Services** founder, Dan Leftwich, has decades of experience in complex litigation, class action, high profile mediations, jury trials, and appeals in state and federal courts around the country.*

***Our Children's Trust** is a nonprofit organization advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose if emissions are not reduced. OCT is spearheading the international human rights and environmental TRUST Campaign to compel governments to safeguard the atmosphere as a "public trust" resource. We use law, film, and media to elevate their compelling voices. Our ultimate goal is for governments to adopt and implement enforceable science-based Climate Recovery Plans with annual emissions reductions to return to an atmospheric carbon dioxide concentration of 350 ppm. www.ourchildrenstrust.org/*

###