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Colorado Youth Take Colorado Oil and Gas Conservation Commission to Court Over Their Right to a Healthy Future

Seven Young Plaintiffs Seek Judicial Review of the Commission's Order Denying Their Request to More Strongly Regulate Hydraulic Fracturing

Denver, Colorado – Today, seven young people filed an appeal to the Denver District Court, to overturn a Colorado Oil and Gas Conservation Commission decision that denied the youth's petition to more strongly regulate hydraulic fracturing. The plaintiffs, who are all members of the Boulder-based organization Earth Guardians, asked the Commission to adopt a rule suspending the issuance of permits that allow oil and gas drilling until the oil and gas development can be conducted without adversely impacting human health and safety and without impairing Colorado's atmospheric resources and climate system, water, soil, wildlife, and other biological resources. The Commission concluded that it did not have the authority to issue the requested rule and that "other Commission priorities . . . must take precedence."

The plaintiffs' [complaint](#) alleges that the Commission erred as a matter of law in concluding that it lacked the authority to promulgate the proposed rule. The Colorado legislature made clear in the Oil and Gas Conservation Act that the development of oil and gas resources in the state of Colorado must be done "in a manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources." The plaintiffs argue that the Commission—the only state agency with oil and gas permitting authority—has the authority and obligation to ensure that hydraulic fracturing is done in a manner that is consistent with protection of the public health, environment, and wildlife.

"It's the Commission's job to make sure the people of Colorado are protected from the harmful toxins and contaminants that have been found in the air, water, and our environment," said 14-year-old plaintiff and co-founder of Earth Guardians, Xiuhtezcatl Roske-Martinez. "The Commission has a legal responsibility to protect us, but instead, they're failing us and our environment. It's unfortunate that we young people have to stand up and tell the Commissioners they're failing in their job, but we will not be silenced. We'll continue to fight until we can ensure the safety of every person in the State of Colorado."

My hope is that this appeal gets us one step closer to reaching that goal.”

“It’s important that the Colorado Oil and Gas Conservation Commission acknowledge that it has responsibilities to protect human health and safety,” said attorney for Xiuhtezcatl and the other young plaintiffs, Katherine Toan with Colorado Environmental Law. “The Commission can’t simply deny that it has the power to protect the public—that it’s helpless, that it has no choice but to continue issuing permits. It can’t say that other agencies are handling all the health and safety stuff, so they don’t have to worry about it. The Commission isn’t even trying to deny that oil and gas development is a dangerous, dirty, industrial practice that leads to climate change; they’re just saying they don’t have the power to do anything about it. That’s an unacceptable position from our state regulators, especially since they claim the exclusive power to set the rules. This court challenge seeks to place responsibility for the safety of hydraulic fracturing in our state with the agency that permits hydraulic fracturing in our state.”

The plaintiffs’ complaint was filed with the help of OUR CHILDREN’S TRUST, an Oregon-based nonprofit orchestrating a global game-changing, youth-driven legal campaign to secure the legal right to a healthy atmosphere and stable climate. The campaign seeks to address the climate crisis with government action that is based on scientific baselines and benchmarks, and to do so within timeframes determined by scientific analysis.

Short documentary films of Xiuhtezcatl and other young people taking legal action on climate change can be seen at <http://ourchildrenstrust.org/trust-films>.

Read the youth’s [petition for rulemaking](#), watch Xiuhtezcatl Roske-Martinez’s [20 minute presentation](#) to the Colorado Oil and Gas Conservation Commission, and read the Commission’s [order](#) denying the petition.

***Earth Guardians** is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with more than 1,000 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), non-profit organizations, and local governments in a variety of environmental and natural resource law issues, including oil and gas, wildlife, and land use.*

***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/*

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