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Colorado Communities Back Youths' Critical Fracking Lawsuit

Denver, Colorado – Yesterday, communities across Colorado showed their support for six young activists and their fracking and climate change lawsuit. Two amicus curiae (friend of the court) briefs were filed to the Colorado Court of Appeals in support of the youth in their effort to protect the state from harmful oil and gas operations. One [brief](#) highlighting the growing evidence of public health and environmental threats posed by fracking and the climate emergency was filed on behalf of business interests, faith communities, medical professional and other citizens of Colorado. The second [brief](#) highlights how the Colorado Oil and Gas Conservation Commission wields its power over oil and gas development statewide contrary to the intent of the General Assembly and the Colorado Oil and Gas Conservation Act. It was filed by environmental organizations across the state.

The case was brought by six young people who are all members of the Boulder-based organization Earth Guardians. In April, the youth plaintiffs appealed Denver District Court Judge Eric Elliff's adverse decision to their fracking lawsuit. In his decision, Judge Elliff affirmed the Commission's denial of the anti-fracking petition brought by the youth plaintiffs, determining that the Commission is required to "strike a balance between the regulation of oil and gas operations and protecting public health, the environmental, and wildlife resources."

Emboldened by their peers' successful wins in state courts in Washington, Massachusetts, and New Mexico, as well as a landmark victory in Oregon U.S. District Court, the Colorado youth plaintiffs are fervently fighting back. The youth have appealed the decision, arguing that the Commission must ensure protection of the public's health and the environment first and foremost.

Diverse groups of Coloradans who have substantial and varied interests in protecting public resources from fracking and climate change came together to support the youth plaintiffs. The Catholic Climate Movement of Colorado, the Denver Catholic Network, and 350 Colorado are three of more than 30 groups supporting the youths' case. (The groups are itemized in the individual briefs.)

"We stand behind these young people fighting for a healthy future and a safe Colorado," said Marie Venner of the Catholic Climate Movement (GCCM) Colorado, and Global CCM (GCCM) Steering Committee. "Fracking is causing long-term damage that the public will have to pay to repair, and it is usurping urgent necessary investments in free, clean, and long-term energy from the sun and wind. Catholics and many other Christians, ethical people of all faiths or no faith at all, want to respect life and preserve what is life-giving. We need to take responsibility for how carbon-intensive our local energy is and take action so life, jobs, and a supportive environment remain in Colorado. Pope Francis urges us (in paragraph 165 of *Laudato Si'*) to transition off fossil fuels without delay. Thank God for our young people and Our Children's Trust working on behalf of the common good and care of our common home."

In a recent decision, the Colorado Supreme Court ruled that local cities cannot ban fracking within their borders if doing so is inconsistent with the Commission's decisions to authorize fracking. The Commission has made clear in this case that it will not put the public's health and safety and the environment ahead of fossil fuel interests in

fracking. The young plaintiffs believe this case to protect their fundamental rights under the Colorado Constitution is critical for stopping dangerous fracking, which threatens water supplies, air quality, the climate system, and consequently public health and safety.

“The lower court in this case clearly didn’t understand the history of the Act that regulates oil and gas development in Colorado, and so we wanted to assist the Court of Appeals by taking the time to go through that history. Although the law has changed to require protection of human health and the environment, the state agency is still, unfortunately, stuck in the past,” said Tim Estep, Clinical Teaching Fellow in the Environmental Law Clinic at the University of Denver Sturm College of Law, who filed the brief on behalf of the environmental organizations.

“This is a straightforward case,” said Julia Olson, executive director and chief legal counsel at Our Children’s Trust, and the Colorado Native attorney who will argue the case for the youth. “The Colorado Constitution says the people of Colorado have inalienable rights to life and safety. The Colorado legislature says that the Commission can only allow oil and gas development that is consistent with protecting public health and the environment. The Colorado Supreme Court says that decisions about fracking are ultimately up to the Commission. But the Commission continues to allow more and more dangerous fracking in Colorado during the hottest year on record where our country is burning and flooding and melting and the adverse health effects of fracking are abundantly clear. And these amazing kids from Colorado’s very own Earth Guardians are saying ‘Enough is enough! Courts, we need you now more than ever or our constitutional rights will be irreversibly infringed.’”

This case is one of several similar state, federal, and international cases, all supported by Our Children’s Trust, seeking the legal right to a healthy atmosphere and stable climate.

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

Our Children's Trust is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to levels below 350 ppm. www.ourchildrenstrust.org/

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