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Contact:

Nate Bellinger, 413-687-1668, [nate@ourchildrenstrust.org](mailto:nate@ourchildrenstrust.org)

To set up interviews with youth plaintiffs, contact:

Meg Ward, 503-341-8590, [meg@ourchildrenstrust.org](mailto:meg@ourchildrenstrust.org)

### **Youth Head to the Colorado Supreme Court with the Support of Local Governments, Public Health Professionals, and Teachers**

Denver, Colorado -- Today, seven youth plaintiffs filed their Answer Brief to the Colorado Supreme Court in *Martinez v. COGCC*, their lawsuit against the Colorado Oil and Gas Conservation Commission and intervenors, the American Petroleum Association and the Colorado Petroleum Association. In their brief, youth plaintiffs ask the Colorado Supreme Court to affirm the important victory they secured at the Court of Appeals on March 23, 2017, and hold that the Commission has an obligation to protect public health, safety, and welfare from oil and gas development and operations.

Along with the plaintiffs' [brief](#), powerful voices of support for *Martinez v. COGCC* filed *amicus curiae* (friend of the court) briefs with the Colorado Supreme Court. All [amicus briefs](#), including from Colorado cities and counties, public health organizations and medical professionals, conservation groups, and neighborhood associations, displayed resounding legal support for affirming the Court of Appeals decision. In contrast, national and Colorado-specific business interests and oil and gas associations lined up to support the Commission, including the National Association of Manufacturers, the U.S. Chamber of Commerce, and the Colorado Oil and Gas Association.

**Julia Olson**, a Colorado native and the executive director and chief legal counsel of **Our Children's Trust** and co-counsel for youth plaintiffs, said:

“The Commission has a statutory and constitutional obligation to protect the public health and safety of Coloradans from fracking. Instead it continues to permit more and more oil and gas development at the expense of public health and safety. It is undisputed that Colorado’s pervasive oil and gas development is endangering the public health and safety of Coloradans, especially young people, in their homes, their schools and their natural environment. Yet the Commission would rather maintain the *status quo* and continue to unlawfully “balance” public health with oil

and gas development. The Commission's mandate is to protect the public health, safety, and welfare of Coloradans - not the financial interests of oil and gas companies."

**Kate Christensen**, co-founder of Together Against Neighborhood Drilling (TAND), one of the amici groups, said:

"I support the *Martinez* case and got involved with an amicus brief because in our state oil and gas companies have all the power. The people whose lives and safety and health are most directly impacted have no control in this situation. The most vulnerable in our state, our children, have no choice in where they go to school or where they live and they are subjected to these harmful industrial activities. It is tearing my neighborhood apart. We have an amazing community of families with young children and everyone is debating whether to stay and try their luck with the health and impacts with the impending fracking or whether to go and leave this community we have built and try their luck elsewhere. We are put in this situation so others can profit. That is not right."

The Colorado Supreme Court will consider a single issue: "Whether the court of appeals erred in determining that the Colorado Oil and Gas Commission misinterpreted section 34-60- 102(1)(a)(I), C.R.S. as requiring a balance between oil and gas development and public health, safety, and welfare."

The COGCC has argued that the Oil and Gas Conservation Act required it to balance oil and gas development with protecting public health, the environment, and wildlife resources. The Colorado Court of Appeals disagreed, holding that the clear language of the Oil and Gas Conservation Act "mandates that the development of oil and gas in Colorado be regulated subject to the protection of public health, safety, and welfare, including protection of the environment and wildlife resources."

**Xiuhtezcatl Martinez**, 18-year-old plaintiff and Youth Director of **Earth Guardians** from Boulder, said:

"There is so much at stake here. The Colorado Supreme Court needs to follow the Court of Appeals and prioritize the health and safety of my generation and young Coloradans over the oil and gas industry. We received tremendous support today from groups across the state and in a variety of sectors, while the COGCC is backed by monied fossil fuel interests. I hope the Court will affirm the Court of Appeals decision and make it clear to Coloradans that our health and safety takes precedence over the fossil fuel industry."

**Emma Bray**, 19-year-old plaintiff from Denver, said:

"Health and safety must come before the profits of the oil and gas industry. I think that we should all take responsibility in our own lives, by making changes in the way we eat, the way we treat the earth, and how we consume natural resources. If fossil fuel extraction continues to threaten our planet and endanger our lives, we will continue to take action. As we have seen all over the country this year, the youth will lead the way."

**Dan Leftwich**, of MindDrive Legal Services, LLC and co-counsel for youth plaintiffs, said:

“The COGCC’s position, and that of its industry allies, is laid bare for all to see in this case. Even in the face of overwhelming evidence that fracking poses catastrophic risks to the public health, safety and welfare of families, particularly children, the agency falls back on the untenable argument that the legislature intended for the public health and safety to take a back seat to the industry's revenues. This position is illegal according to the Court of Appeals’ binding decision, yet the agency continues in a mad rush to authorize permits that put the public health and safety in grave danger. We are asking the Supreme Court to make it crystal clear that the agency can’t shirk its duty to protect the public health and safety any longer.”

*Martinez v. COGCC* is one of many related legal actions brought by youth in several states and countries, including the landmark federal lawsuit *Juliana v. United States*, all supported by Our Children’s Trust, seeking science-based action by governments to stabilize the climate system.

Counsel for plaintiffs include Colorado Environmental Law, LTD., Katherine Marlin, Boulder, Colorado; Minddrive Legal Services, LLC, James Daniel Leftwich, Boulder, Colorado; Wild Earth Advocates, Julia Olson, Eugene, Oregon.

*Our Children’s Trust* is a nonprofit organization, leading a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentrations to below 350 ppm by the year 2100. We elevate the voice of youth, those with most to lose in the climate crisis, to secure the legal right to a healthy atmosphere and stable climate on behalf of all present and future generations.

[www.ourchildrenstrust.org/](http://www.ourchildrenstrust.org/)

*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](http://www.earthguardians.org)

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