

Prehearing Statement from 350 Colorado:

350.org and 350 Colorado are organizations that empower individuals and communities to take action to prevent climate disruption. In addition to threatening public health with the introduction and release of toxic fumes and liquids into the environment, the production and consumption of oil and gas are major sources of climate-altering methane and carbon dioxide releases. Communities should be encouraged to reject, not barred from rejecting, both the production and consumption of oil and gas in order to protect public health, promote a healthy climate, foster a quick transition to renewable energy, and provide leadership to other communities with the same goals.

When the state permits more and more oil and gas operations, and denies our communities the right to say no, it willfully delays the long-overdue shift to renewable energy, and places our climate and public health in jeopardy. It is unacceptable that the state allows the industry to claim the right to drill in the middle of neighborhoods, while renewable-energy providers are prohibited from constructing wind generators or solar panels at the same sites. When the state allows the oil and gas industry to grow unabated, and fails to provide the same rights to renewable-energy industries, it unacceptably harms the climate and public health, in violation of the public trust.

The task force was established in response to public frustration with legal actions and threats made by operators claiming the right to drill and their allies in our state agencies.

The proposed rules based on task force recommendations 17 and 20 do nothing to protect communities seeking to regulate or restrict oil and gas production from legal action, or threats of legal action. The rules provide negligible protection of the climate or public health from the toxic and climate-altering emissions coming from oil and gas facilities. Instead, the proposed rules reinforce the rights of the industry to drill wherever it chooses, within the inadequate and poorly enforced limits provided by the COGCC.

Even the weak protections and rights offered by proposed rules apply only to an extremely limited set of drilling operations, thereby failing to make a meaningful difference for most affected communities and, again, failing to accomplish the goals of the task force itself.

The proposed rules fail to provide meaningful enforcement provisions to back up the “best practices” provision. Best management practices, and protection of public health they are intended to provide are not a luxury. Public health must be the first priority of regulatory decision-making. It is entirely unacceptable that best management practices are not already required at each and every production facility as well as its associated infrastructure and transport operations. To apply best management practices only within the very limited circumstances outlined by these regulations makes a mockery of the very concept of regulation.

Furthermore, no rules are effective unless accompanied by consequences for operators that fail to protect public health or the climate. Unless enforcement provisions include

the immediate shutdown of operations where the violations take place and denial of all new permits to repeat violators, there is little reason to expect the industry to comply fully.

It is important to bear in mind that every new regulation adopted by agencies is an admission of the failure of past regulations to fully protect public health and safety. It is an admission that people were placed at avoidable risk. Every new regulation should include provisions addressing the needs of the victims of past failures and to mitigate the ongoing harm done by those failures.

Access to clean air and water, a livable climate, and local democracy are not luxuries to be given or taken away by state agencies, they are human rights. If the COGCC ignores these human rights by failing to allow communities regulate and restrict oil and gas production, it will not be by accident, but by the deliberate prioritization of the profits of a few over the needs of the many.

Please withdraw the proposed rules and take immediate action to empower and enjoin our communities to create a healthy, safe environment and a sustainable climate.

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