



For Immediate Release, October 16, 2012

Contact: Kassie Siegel, Ctr for Biological Div, (760) 366-2232 x 302, ksiegel@biologicaldiversity.org
George Torgun, Earthjustice, (415) 217-2000, gtorgun@earthjustice.org
Jennifer Krill, Earthworks, (202) 887-1872 x 103, jkrill@earthworksaction.org
Bill Allayaud, Environmental Working Group, (916) 601-9280, bill@ewg.org
Jim Metropulos, Sierra Club California, (916) 715-8217, jim.metropulos@sierraclub.org

Unregulated Fracking in California Faces Court Challenge

Conservation Groups Demand State Regulators Enforce Existing Law to Protect Public Health, Environment

OAKLAND, Calif.— As hundreds of California oil and gas wells undergo dangerous hydraulic fracturing, or fracking, without government oversight, environmental advocates went to court today to force the agency responsible for regulating the oil and gas industry to abide by the state’s foremost law that protects public health and the environment.

The [lawsuit](#) filed today in Alameda County Superior Court charges that the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources has failed to consider or evaluate the risks of fracking, as required by the California Environmental Quality Act (CEQA). Although the Department is the state agency charged with regulating all oil and gas well activity in California, it admits it has not permitted or monitored the impacts of fracking and has never formally evaluated the potential environmental and health effects of the practice, even as it continues to approve new permits for oil and gas wells.

The nonprofit environmental law firm Earthjustice filed the lawsuit today on behalf of the Center for Biological Diversity, Earthworks, Environmental Working Group and Sierra Club.

“Right now, the people of California don’t know where or when the drillers are fracking, what chemicals they are using, what pollutants they’re releasing into the air and water, and what other risks they are taking. That’s because the state hasn’t required them to disclose any information on fracking activities,” said Earthjustice attorney George Torgun. “Public outcry has finally forced the Department to take a look at fracking. They’ve held workshops and say they’re considering regulations. But the problem needs attention now before too much damage is done.”

Hydraulic fracturing, commonly called fracking, is a controversial procedure used by drillers in California to extract deposits of oil and gas from depleted wells or from geologic formations where conventional drilling is ineffective. Hundreds of thousands to millions of gallons of water are mixed with toxic chemicals and injected down each well at high pressure, fracturing the underground rock formation to force the oil or gas to flow to the surface. The Western States Petroleum Association estimates that more than 600 California wells were fracked in 2011 alone; fracking has been used in California for more than 50 years. Fracking is also associated with large releases of methane, a potent greenhouse gas.

“By turning a blind eye to fracking, California officials are letting oil companies endanger our air, water and climate,” said Kassie Siegel, director of the Center for Biological Diversity’s Climate Law Institute. “If the oil industry fracks the 14 billion barrels of unconventional oil in the Monterey Shale, they’ll light the fuse on a carbon bomb that will demolish California’s efforts to fight climate change.”

Other parts of the country are in the midst of a fracking-enabled drilling rush. Along with this rush have come troubling reports of poisoned drinking water, polluted air, mysterious animal deaths, industrial disasters, earthquakes and explosions. (See a map at: <http://earthjustice.org/features/campaigns/fracking-across-the-united-states>.)

“Across the United States, concerned citizens have brought to light the health and safety problems from fracking — such as air pollution and water pollution,” said Bill Allayaud, California director of governmental affairs at Environmental Working Group. “It is unacceptable that state regulators have done almost nothing to govern, or even investigate, the risks associated with fracking even though they have been aware of its use for more than five decades.”

California wells have been pumping oil for more than 100 years. As more easily exploited petroleum deposits have been used up and prices have climbed, oil companies have turned to fracking to increase production. Enticed by claims that more than 14 billion barrels of oil are trapped in the Monterey and Santos shale formations, oil and gas companies have commenced an exploratory drilling and fracking campaign beneath central and southern California. These shale formations span 1,700 square miles across the San Joaquin Valley to the Pacific Ocean, including the Los Angeles basin, a region crisscrossed with active earthquake faults.

“The state is risking California's public health and environment by refusing to apply CEQA to fracking,” said Jennifer Krill, executive director of Earthworks. “Without it, the public is in the dark about fracking’s impacts on our health and environment. It's time for the oil and gas industry, and state regulators, to stop denying fracking’s negative impacts and start working to prevent them.”

Under current Department policy, the agency has been rubberstamping oil and gas drilling activity, declaring it exempt from environmental review or issuing “negative declarations” that such activity will have “no significant effect” on the environment, without any study or mention of the potential impacts from fracking.

“Burning fossil fuels has taken its toll on our planet for far too long. Now the desperate search for the last remaining drops of oil has reached a scale that threatens to add even more burden. All the while, the state regulators responsible for oversight have been too slow to respond,” said Jim Metropulos, senior advocate at Sierra Club California.

The California Environmental Quality Act, signed into state law by Governor Reagan, is a cornerstone of environmental protection in the state. The coalition of environmental advocates is asking the court to declare the Department in violation of CEQA for its failure to consider, evaluate, and mitigate the impacts of fracking when approving permits for oil and gas wells.

####

The lawsuit filed today in Alameda County Superior Court is available [here](#).