

# FCSG Statement on the Martinez Amicus Brief

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On May 8th, Councilmember Bob Overbeck asked his fellow City Councilmembers to support Boulder County's and other jurisdictions' amicus brief in the COGCC vs. Martinez case. The Fort Collins Sustainability Group also urges City Council to support the amicus brief.

The Martinez case involves a determination by the Colorado Court of Appeals that the Colorado Oil and Gas Commissioner must consider public health and safety when considering proposed state rules for oil and gas extraction. The COGCC and the oil and gas industry have asked the Colorado Supreme Court to review the court of appeals' decision. Boulder County and other jurisdictions argued that the Supreme Court should not review the court of appeals decision because government regulations should always protect public health and safety (1).

Recent peer reviewed studies have shown significant impacts on human health up to 2,500 feet away from fracking sites, which is significantly greater than the current COGCC setbacks of 500 feet from homes and 1,000 feet from schools and hospitals. Fracking is an industrial activity that has resulted in numerous explosions in Colorado and fires that can affect people even beyond a 2,500 foot radius (2). Fracking contributes significantly to the high ground-level ozone concentrations on Colorado's Front Range, which are implicated in elevated rates of lung disease and other respiratory problems (3). Finally, fracking releases significant amounts of methane, a powerful greenhouse gas that contributes to the disruption of Earth's climate (4).

The COGCC clearly has not done enough in the past to protect Coloradans' health and safety. This needs to change. In 2013, voters in Fort Collins approved a fracking moratorium by a significant margin despite the fact that proponents were vastly outspent by the oil and gas industry. We ask that City Council represent the concerns expressed by voters about the public health and safety impacts of oil and gas extraction by signing on to the Martinez amicus brief.

References:

- (1) <https://www.bouldercounty.org/property-and-land/land-use/planning/oil-gas-development>
- (2) <https://corising.org/faqs>
- (3) <https://www.coloradoan.com/story/news/2018/05/11/what-do-fort-collins-ozone-levels-mean-your-health/598716002/>
- (4) [http://www.eeb.cornell.edu/howarth/publications/f\\_EECT-61539-perspectives-on-air-emissions-of-methane-and-climatic-warmin\\_100815\\_27470.pdf](http://www.eeb.cornell.edu/howarth/publications/f_EECT-61539-perspectives-on-air-emissions-of-methane-and-climatic-warmin_100815_27470.pdf)