

MOTION BY SUPERVISOR HOLLY J. MITCHELL

February 15, 2022

Protecting the Health and Safety of Local Communities Impacted by Oil and Gas Drilling Operations

Oil and gas operations contribute to pose a vast array of harm to Los Angeles County (County) communities’ health, welfare, livelihoods, and environments. These harms include well-documented public health impacts, water shortages, groundwater and air pollution, increased risk of earthquakes, damage to local tourism and businesses, and harm to communities’ rural and agricultural ways of life. In California, local governments have used their police powers for over a century to enact ordinances, general plan amendments, and voter initiatives to protect the health and safety of cities and counties.

In November 2016, the voters of Monterey County passed “Measure Z,” which added three new land-use policies to their General Plan prohibiting oil well-stimulation treatments, wastewater injection, and drilling of new oil and gas wells. These measures were enacted to protect Monterey County’s residents, land, and welfare. Specifically, Measure Z’s intent was to protect water for agriculture—Monterey County’s leading industry and one of its largest employers. Additionally, Measure Z intended to reduce the health and safety risks posed by oil and gas extraction, which includes inducing or exacerbating earthquakes, and increasing pollutants and emissions in the air, which are linked to poor health outcomes and reduced agricultural yields. Studies have linked close proximity to oil wells to a host of serious health issues, including asthma and respiratory problems; skin irritation; preterm births and other adverse birth outcomes; eye, nose, and throat irritation; headaches; nausea; dizziness; trouble sleeping; fatigue; mental health effects such as an increased risk of depression and anxiety; and some forms of cancer.

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February 15, 2022

Page 2

Shortly after the passage of Measure Z in 2016, some of the State's largest oil companies sued Monterey County. On October 12, 2021, in the case of *Chevron U.S.A v. County of Monterey*, the Sixth District Court of Appeal of California held that State law governing oil and gas operational methods and practices preempted "Measure Z." The Appellate Court's decision not only disregards the broad authority of cities and counties to govern land use and protect the health and safety of local residents, but also ignores the radical impact its ruling will have on the broad range of local government approaches used to regulate the locations and conditions under which oil and gas drilling may occur.

Los Angeles County (County) is home to the largest urban oil field in the nation. Furthermore, the County and multiple jurisdictions within the County are currently moving to phase out urban oil drilling, making the decision in the case of *Chevron U.S.A v. County of Monterey* of interest and concern.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS direct County Counsel to file and/or join in an amicus brief supporting Monterey County in the case of *Chevron U.S.A. v. County of Monterey* (Protect Monterey County), seeking to reverse the lower court's ruling that State law impliedly preempts Monterey County's initiative "Measure Z."

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