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Trump Administration Unlawfully Rescinded Protections against Methane Waste, Court Rules

Ruling reinstates Obama administration's BLM Waste Prevention Rule

San Francisco — Late yesterday, in a resounding victory for taxpayers, public health, and the environment, the U.S. District Court for the Northern District of California [invalidated](#) the Trump Administration's rollback of the Obama-era Waste Prevention Rule. This ruling means that the Waste Prevention Rule goes back in effect in 90 days, and the oil and gas industry will have to comply with the Rule's requirements to prevent waste of gas on federal lands.

Enacted in 2016, the Waste Prevention Rule was designed to protect the public from wasteful venting, flaring, and leaking of gas from drilling operations on federal and tribal lands. In 2018, the Trump administration's Bureau of Land Management (BLM) rescinded this rule to give oil and gas companies operating on public lands a free pass for air and climate pollution from wasted gas.

In yesterday's ruling, U.S. District Judge Yvonne Gonzalez Rogers found that this rescission violated federal law because it ignored the federal government's statutory duty to prevent waste, instead relying almost entirely on inadequate or nonexistent state regulations. The judge also rejected the administration's attempt to downplay the costs of the climate impacts of this rule. Further, the judge rejected the administration's refusal to investigate the public health impacts of this rule on the people living near oil and gas facilities including tribal communities.

"The court's ruling is a victory for people who are bearing the brunt of federal and tribal oil and gas development," said **Lisa Deville, vice chair of Fort Berthold Protectors of Water and Earth Rights**. "Everyday invisible methane spills impact our people's health contributing to asthma and other respiratory health issues. The court rejected BLM's attempt to ignore these public health impacts."

"The judge basically rejected every attempt by the Trump administration to gut these common-sense waste prevention measures on behalf of their oil & gas industry cronies," said **Robin Cooley, an Earthjustice attorney representing tribal and conservation citizen groups**. "Most importantly the judge said the administration cannot ignore the impacts on health and well-being of the people who live near oil and gas facilities. This is a resounding win for American taxpayers, the environment, and the communities most at-risk from this industry."

"Once again, the courts are confirming that the Trump administration can't just scrap environmental protections and ignore its responsibility to hold polluters accountable and protect our communities from toxic pollution," said **Kelly Martin, Director of the Sierra Club's Beyond Dirty Fuels campaign**. "Millions of Americans and diverse stakeholders weighed in when this commonsense standard was

developed, and the only people who wanted to see it weakened were fossil fuel industry executives. Today's ruling is a major win for public lands, clean air, and the climate.”

“The court’s decision is a win for science-based decision-making and the climate, at a time when the Trump administration is trying every way possible to give polluters a free pass. The Trump administration is now 0 for 3 in attempting to overturn this rule and should take the hint that they can’t evade the law at the expense of public health and our environment,” **said Alison Flint, senior legal director, The Wilderness Society.**

“I’m so excited by this ruling because strong air pollution rules for the federal wells on our ranch means I may be able to spend more time with my family in Montana again,” said **Laurie Wilson, member of the Western Organization of Resource Councils**, in Silver City, New Mexico. “In the midst of a public health crisis, reducing pollution which contributes to asthma and other respiratory diseases is a blessing. Now more than ever these protections are vital.”

In its opinion, the court stated “[It] finds that the rulemaking process resulting in the Rescission was wholly inadequate. In its haste, BLM ignored its statutory mandate under the Mineral Leasing Act, repeatedly failed to justify numerous reversals in policy positions previously taken, and failed to consider scientific findings and institutions relied upon by both prior Republican and Democratic administrations.”

Background:

The court’s decision marks the third time that the Northern District of California has rejected the Trump administration’s attempts to roll back the Waste Prevention Rule. This rule was the first update to BLM’s standards to reduce waste from oil and gas development on public and tribal lands in more than 35 years. The rule requires the oil and gas industry to use proven, low-cost technologies and practices to reduce venting and flaring and to fix leaks in infrastructure. It also saves taxpayers millions of dollars by requiring companies to pay royalties when they waste gas on public lands.

Interior Department data show that companies wasted an estimated 462 billion cubic feet of gas on public and tribal lands through venting, flaring and leaks between 2009 and 2015 — enough gas to serve more than 6.2 million homes for a year. The primary component of that gas is methane, a greenhouse gas 87 times more powerful than carbon dioxide. Other pollutants that are leaked and vented contribute to smog formation, causing asthma attacks and other respiratory problems. And some pollutants, like benzene, are known carcinogens.

Earthjustice is representing the Sierra Club, The Wilderness Society, Fort Berthold Protectors of Water and Earth Rights, and Western Organization of Resource Councils.

Online version of this release.