



THE OFFICE OF SENATE MAJORITY WHIP

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SB 556 (Gonzalez) Oil & Gas Pollution Accountability Act

SUMMARY

Senate Bill (SB) 556 protects children, pregnant people, the elderly, and other medically fragile Californians from the harms caused by the oil and gas industry and provides accountability for negative health impacts they caused.

Specifically, SB 556 holds the oil and gas industry accountable by creating a liability presumption for a respiratory ailment in a senior or child, a pre-term birth or high-risk pregnancy suffered by a pregnant person, and a person's cancer diagnoses if they resided within a specified proximity of gas production facility or well head, known as a health protective zone.

EXISTING LAW

Existing law provides that the State's oil and gas conservation laws include protecting public health and safety and environmental quality, including the reduction and mitigation of greenhouse gas (GHG) emissions associated with the development of hydrocarbon and geothermal resources in a manner that meets the energy needs of the state.

SB 1137 (Gonzalez, Chapter 365, Statutes of 2022) establishes health protection zones that are 3,200 feet in all directions from a sensitive receptor; prohibits the Geologic Energy Management Division (CalGEM) from approving the drilling of new oil or gas wells or the reworking of existing oil or gas wells within a health protection zone with certain exceptions, such as to plug-and-abandon a well; and establishes additional

monitoring, leak detection and other safety-related control requirements for existing oil and gas operations in a health protection zone.

BACKGROUND/PROBLEM

California is a major oil and gas producing state. According to CalGEM data, as of 2021 there are approximately 125,000 active and idle oil and gas wells in the state and related production facilities located in over 180 oil and gas fields. CalGEM convened a panel of public health and other experts on the California Oil and Gas Public Health Rulemaking Scientific Advisory Panel, which concluded with a high level of certainty that the levels of health-damaging air pollutants, including criteria air pollutants and toxic air contaminants, are more concentrated near oil and gas development activities compared to further away. Specifically, this panel reviewed an expansive body of scientific literature related to health impacts from oil and gas extraction and found that studies consistently show harm from exposure at distances less than 1km, which is approximately 3,200 ft.

About 2.1 million Californians live within one mile of an active oil or gas well.¹ Living near oil and gas drilling sites exposes residents to harmful pollution. An ever-growing body of research affirms that living, or attending school, in close proximity to oil wells and gas production facilities contributes to increased risk of asthma and other respiratory illnesses, pre-term births and high-risk

¹ <https://news.stanford.edu/2020/06/09/living-near-oil-gas-wells-may-increase-preterm-birth-risk/>

pregnancies, and cancer. Residing near oil wells is linked to reduced lung function and wheezing, and in some cases the respiratory damage rivals that of daily exposure to secondhand smoke or living next to a freeway, according to a recent study published in the journal *Environmental Research*.²

In the United States, preterm birth is the leading cause of infant death. Researchers examined 225,000 births from mothers who lived within six miles of oil and gas wells in the San Joaquin Valley from 1998 to 2011. The results show that women who lived near wells in their first and second trimesters were 8 to 14 percent more likely to experience a spontaneous preterm birth in which a pregnancy ends before 37 weeks of gestation. The negative impact of living near a well appeared strongest among women who were Hispanic, Black or had fewer than 12 years of education.³ This is not only a public health crisis, but a matter of longstanding environmental racism, as people of color are at highest risk.

In California, more than 28,367 operational oil and gas wells are located within 3,200 feet of a home, hospital, school, or other sensitive receptor. The number of existing wells, and of potential new wells, near these sensitive receptors is a serious public health concern. For these reasons, it is imperative that the oil and gas industry implement the best available technology to prevent future harm to Californian's vulnerable populations.

SOLUTION

SB 556 creates a liability presumption to hold the oil or gas industry accountable for the harm they have caused to residents that reside within 3,200 feet of their wellheads or production facilities.

Specifically, SB 556 provides that after January 1, 2024, an owner, operator, or board member of these wells and facilities be jointly and severally liable for a respiratory ailment diagnosed after January 1, 2024 in a senior or child, a pre-term birth or high-risk pregnancy suffered by a pregnant person, and a person's cancer diagnoses.

² Respiratory health, pulmonary function and local engagement in urban communities near oil development, <https://www.sciencedirect.com/science/article/abs/pii/S0013935121003820?via%3Dihub>

³ Ibid.

The presumption applies if the operator or owner's facility or well is located in the same health protection zone where these vulnerable populations reside for more than 24 cumulative months. Additionally, the bill provides a safe harbor if the oil or gas production facility has fully deployed the best available technology and remediation efforts to prevent respiratory ailments, pre-term-births and high-risk pregnancies and cancer in vulnerable populations.

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Benicians for a Safe and Healthy Community
Breast Cancer Action
California Businesses for a Sustainable Climate
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Feminists in Action, Los Angeles
Food & Water Watch
Food Empowerment Project
Fossil Free California
FracTracker Alliance
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