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Re: CalGEM's community engagement practices

Dear Director Shabazian and Supervisor Ito,

In the weeks following the toxic tours you joined in our communities, and especially following CalGEM's recent maintenance work on two of the twenty-one wells at the AllenCo drill site, CalGEM has expressed interest to our groups in improving its community engagement practices. We welcome this interest in taking community engagement and partnership seriously, and look forward to working directly with staff to implement best practices going forward. To that end, this letter outlines specific actions the agency must take now to improve its efforts to educate, inform, collaborate with, and ultimately protect California's frontline communities. We are optimistic that the insights here will be a guide that sets out minimum actions the agency must implement and are hopeful that it is the beginning of continued dialogue on this subject.

That said, we know full well that the need for robust community engagement practices only arises in our current status quo: CalGEM continues to issue permits that extend the lifetime of harmful oil and gas extraction sites in our communities. We emphasize that by no means are the suggested actions listed in this letter a replacement for the key work CalGEM must continue to do to phase out fossil fuel extraction and to work toward a just transition, particularly in frontline communities in Kern and Los Angeles counties disproportionately impacted by this industry.

Residents in these areas are overwhelmingly low-income communities of color who are often often designated as de facto sacrifice zones for the benefit of wealthier and whiter communities, whether in the application of oil permits or otherwise. Failing to address this in a meaningful



way only serves to perpetuate institutional racism. This is why environmental justice is about racial justice.

Indeed, we submit this letter against a stark and counterproductive backdrop. In 2023, CalGEM issued 12 new permits to drill for oil and gas within the proposed 3,200 ft. setback zone, comprising 48% of all drilling permits, and 916 new rework permits for oil and gas within the proposed 3,200 ft. setback zone, comprising 45% of all rework permits. It is thus abundantly clear that a significant amount of new oil and gas permits in the state perpetuate harm to our communities by needlessly continuing the practice of neighborhood drilling. CalGEM must recognize that the eventual end of oil and gas drilling in California is a foregone conclusion that is rapidly approaching and actively plan for this reality, beginning first and foremost in frontline communities.

We remain committed to working with CalGEM to ensure it is fulfilling its obligation to protect public health, safety, and the environment,¹ and emphasize that meaningful partnership and engagement with communities is central to this obligation. Unfortunately, CalGEM's engagement efforts have been inconsistent and inadequate in the past, undermining communities' trust and confidence in the agency. This letter addresses three key areas of opportunity where CalGEM can immediately implement best practices and set a new path going forward for successful community engagement: 1) public health and safety emergencies, 2) non-emergency onsite work, and 3) long-term community education and engagement projects.

As an overarching matter, we also ask that CalGEM review existing community engagement resources from other agencies and institutions in addition to this letter and create its own formal guidance adopting relevant best practices.

Additionally, all CalGEM's communications with community members and the public must be culturally sensitive and competent, as well as linguistically appropriate. All communications including online content, canvassing, hosting public meetings virtually or in-person, and sharing written materials shall meet that standard including accommodation for the significant number of monolingual Spanish speakers in frontline communities. Language justice requires that individuals be able to participate in community engagement in the language they feel most comfortable with, so CalGEM must adopt practices that are inclusive of Spanish speakers in order to provide adequate opportunities for public participation in key agency decisionmaking and to deepen partnership with our communities. For example, CalGEM must invite residents to ask questions or offer comments in Spanish at any public meetings; provide two-way, simultaneous Spanish and English interpretation services for any oral presentations and all verbal comments; provide Spanish-language versions of any written materials or online content; and wherever possible, create material that is easily digestible by community members and not overly technical. We ask CalGEM to apply these accessibility and language justice accommodations to the suggested community engagement actions below.

¹ Pub. Resources Code, § 3011(a); *see also id.* § 3106(a) (CalGEM shall manage oil and gas development "so as to prevent, as far as possible, damage to life [and] health . . .").



I. Public Health and Safety Emergencies

VISIÓN defines a public health and safety emergency as any oil spill event, pipeline rupture, burst, well blowout, well leak, explosion, or any other hazardous event that endangers public health and safety in frontline communities. We want to suggest a new dynamic when it comes to notifying and engaging communities regarding emergencies within the 3,200ft proposed setback zone where CalGEM is responsible or involved in the emergency response. In contrast to CalGEM's current practice of providing notice of emergencies well after the fact, and/or with very few details or context, we want to create a dynamic in which community-based organizations (CBOs) and agencies like CalGEM work together proactively. This means CalGEM not putting the onus of community notification and engagement solely on CBOs and residents. Overwhelmingly, VISIÓN wants to emphasize the importance of *transparency* when it comes to partnering with us for community engagement. In response to any public health and safety emergency event, CalGEM must, at minimum:

- Immediately notify VISIÓN, STAND-LA (for LA emergencies), and CCEJN (for Kern County emergencies) of the nature of the emergency. Notification as soon as potential leaks and other hazards are detected is critically important for protecting public health and safety and avoiding worse outcomes for nearby residents. We are often not told of an emergency until repairs have begun or are already scheduled.
- Make its documentation and photography from monitoring or inspections available to our groups without a public records request, via an online portal or other easily accessible format.
- Test the leaks from drilling sites, production facilities, and other equipment immediately for BTEX, VOCs, methane, hydrogen sulfide, and lower explosive limits (LEL) both during and after emergency response.
- Conduct continuous monitoring for these factors until repair and reinspection of the site is completed, including initial sampling.
- Participate transparently in interagency response task forces to appropriately involve the correct local and state agencies to respond.

The agency's response after the Morningstar community leaks in 2022 also serves as a good model of improved notification and engagement. Similar to that response, CalGEM must:

- Make important information and updates relating to the emergency response available on CalGEM's website. When possible, the agency should summarize emergency updates in conventional language without relying on technical jargon.
- Build new avenues for communications to use during emergencies, including email lists, and text alerts, and provide a sign-up option for these communications avenues that is easily findable on CalGEM's website. CalGEM must share this sign-up information widely with schools, community centers, and other sensitive locations within 3,200ft of the site of an emergency. This contact list must also be shared within the Certified Unified Program Agencies (CUPA) partnerships with local agencies and first responders.



- Establish programs that ensure immediate notification of relevant first responders as soon as potential leaks and other hazards are detected.
- Ensure that local news media, including local radio stations, are notified and instructed to share details of the emergency response and the steps CalGEM is taking to resolve the situation. Information shared over the radio will include what happened, when it happened, which operator is responsible, and contact information for complaints or where community members can go to find out more information.
- Schedule and host informative in-person and virtual meetings with Spanish language access within 7 days of the beginning of emergency response where residents can ask questions and receive responses from staff.
- Conduct door-to-door canvassing within a 3,200 ft. radius to inform residents of the event, distribute public health information on the hazards of living near oil and gas extraction as elaborated in [the commissioned public health expert's advisory report](#) as well as information on the signs and symbols of a leak or hazardous event, and to invite them to the community meeting. This canvass can be conducted by both the operator and the agency responsible for clean-up, that way resident complaints are not just directed to only one of those parties.
- Survey residents to get a better understanding of community exposure and use canvassers to determine if residents suffered any adverse effects from the emergency situation.
- Investigate and conduct canvassing in areas where CalGEM receives complaints from residents outside the 3,200 ft. distance, especially given the diffuse nature of fugitive emission leaks and the fact that the negative health impacts of drilling activity can extend far beyond this distance..
- Conduct at-home perimeter monitoring for leaks within a 3,200 ft. radius in the case of pipelines under homes or a related utility leak.
- Provide as soon as possible and within at least 48 hours of repair work commencing an emergency safety plan for the affected community in both English and Spanish

After the emergency event has been sufficiently resolved, CalGEM must:

- Provide updates to residents within a 3,200 ft. radius of the site in question on the emergency through mailers and online information. The updates will include information on the operator of the site and information on how to make a future report should they detect: foul odors, visible emissions, hissing, other unexplained noises or sounds of a gas release, or experience health symptoms similar to those already documented in complaints

II. Non-Emergency Onsite Work

VISIÓN defines non-emergency onsite work as any time CalGEM conducts inspections, monitoring, maintenance, any acidization event, or plugging/abandonment work at drill sites. Already, in our December 20201 comments to the agency VISIÓN called for “public notification prior to every instance where operators use acid for maintenance or enhanced oil recovery, rather



than the current system of annual aggregated chemical reporting, due to the risk of acute harm in the event of leaks or spills.” We again emphasize the importance of transparency when conducting these activities. CalGEM must:

- Conduct ongoing monitoring at drill sites rather than only immediately after emergencies or maintenance work.²
- Make important information and updates relating to the monitoring and maintenance activities available on CalGEM’s website or another publicly accessible online portal.
- Continue to build new avenues for communication, including email lists and text alerts, and provide sign-up options for these communication avenues that are easily findable on CalGEM’s website. CalGEM must share this sign-up information widely with schools, community centers, and other sensitive locations within 3,200ft of the on-site work
- Proactively engage with VISION and other CBOs regarding well maintenance activities that CalGEM is engaged in by communicating as soon as CalGEM decides to appear or send a crew onsite – and proactively communicate at least two work days ahead of when onsite activity will take place. CBOs often struggle to understand CalGEM’s role in drill site maintenance, monitoring, and other activities because of the opaque and complicated nature of the response. By communicating on an earlier timeline, we hope to have a better idea of CalGEM’s role in these activities.
- Should a site incur three repeat violations resulting in Notices of Violation (NOVs) within a six-month period, CalGEM must investigate other sites under the same operator/lease to find and mitigate any other public health harms

In this section, we also detail specific demands that are related to sites of concern for our communities in the Los Angeles area: AllenCo, Murphy, Warren, and the Inglewood Oil Field. These recommendations reflect discussions between VISION and STAND-LA based on the experiences of STAND-LA member organizations and their members working to protect the public health of impacted communities in close proximity to oil sites in LA. CalGEM must:

- Alert surrounding residents and CBOs when any testing or inspections occur at drill sites, including radioactive tracers, idle well testing, emergency response activities, or site monitoring at least two work days ahead of when onsite activity will take place.
- Provide a list to the relevant CBO below of any reported chemicals used onsite, including amounts used, and corresponding Safety Data Sheets, with Spanish language information available. This list will encompass the toxicity, use, and disposal of all chemicals involved in oil and gas drilling, extraction, maintenance, and odor control. Given the limits of current disclosure laws, the full magnitude of harm has been difficult to assess, due to the lack of transparency surrounding the frequency, amount, and types of chemical

² Continuous monitoring is consistent with expert recommendations. See, e.g., Michanowicz, D., et al. *Methane and Health-Damaging Air Pollutants from the Oil and Gas Sector: Bridging 10 Years of Scientific Understanding* (Oct. 6, 2021) at 8, 11, 14–15, 3-50, 3-81, 4-15, 5-20-5-21, 5-27, https://www.psehealthyenergy.org/wp-content/uploads/2021/10/Full-Report_Bridging-10-Yearsof-Scientific-Understanding.pdf.



material used during development and production processes.

- Require a 10-day advance notification to be mailed to residents within 3,200 ft. for any well testing using radioactive isotopes or radioactive tools, as well as when non-Tier 4 diesel engines are scheduled to be onsite.
- Require that operators annually report to CBOs, community centers, schools, and other sensitive receptors within 3,200 ft. (a) a list of all chemicals used onsite over the previous calendar year, (b) the quantities used measured by volume (not weight), (c) health concerns associated with each chemical, and (d) links to the Safety Data Sheets for each.
- Publicly report all NOV's by operators on CalGEM website's or another publicly accessible online portal and directly update the following CBOs within 48 hours of the NOV being issued:
 - Inglewood Oil Field: Black Women for Wellness, SCOPE, and Rising Communities
 - Murphy Oil Site: Redeemer Community Partnership and Holman United Methodist Church
 - Warren Oil Site and other sites in Wilmington: Communities for a Better Environment
 - AllenCo Oil Site: Esperanza Community Housing

We offer the following additional recommendations for particular drill sites:

- Inglewood Oil Field:
 - Residents surrounding the field have been requesting that the operator, Sentinel Peak Resources, provide a detailed accounting of how many wells have been drilled and the status of the wells onsite (e.g. X number of wells drilled, X number are still active, X number are idle, X number have received maintenance etc.). CalGEM must provide this accounting to CBOs and nearby residents.
 - CalGEM must provide CBOs and nearby residents with timely information regarding Sentinel Peak Resources' permitting requests for any and all reworking activities.
- Warren:
 - CalGEM ought to release to a public website any Notices of Violation, Root Cause Analyses, or any updates on activities resulting from these actions within one week of issuance or receipt by CalGEM.
 - CalGEM should coordinate with the California Department of Fish and Wildlife Office of Spill Prevention and Response in the evaluation of Facility Oil Spill Contingency Plans to ensure CalGEM permitted wells are included.
 - In coordination with other agencies, CalGEM should provide health and safety information to residents and businesses within 3200 feet of a release from a CalGEM regulated facility. This information should include best practices for community members encountering released substances and provided in English and Spanish



III. Long-Term Community Education and Engagement Projects

VISIÓN defines long-term community education and engagement as any opportunities or activities for CalGEM to continue its community engagement outside of emergencies and its ongoing work at drill sites. This includes town halls, task forces, public comment collection, informational pamphlets on potential health impacts from leaks/identifying a leak, and the publication of important info on CalGEM and DOC websites for the public.

1. Release Critical Public Health Information

It is of the utmost importance that CalGEM completes the release of the public health report commissioned by the agency itself in connection with its ongoing public health rulemaking. This landmark report contains crucial public health information and represents a big step by a regulatory agency in California – the first time a government commission has examined the impacts of oil and gas activity in the state and determined that there is no safe distance from oil and gas extraction sites. Depriving the public of this crucial information is irresponsible from an agency whose mission is to prioritize public health, especially as the report is the basis of its finding of a public health emergency and for the proposed regulation banning well stimulation treatments in California.

2. Create Interagency Emergency Response

In both emergency situations and routine monitoring events, multiple departments and agencies are involved. With the goal of transparency and prioritizing interagency collaboration, we suggest that **CalGEM create an informational tool** that conveys, based on the type of activity, event, and the geography, which agencies at a local, state, or federal level will respond and which are responsible. This “map” will serve to help CBOs and residents determine which agency or entity is responsible for which element of an emergency response and allow us to streamline communication between affected communities and local and state entities. At the very least, we suggest CalGEM create and publicize a list of the responsible entities in an oil spill event, fugitive emission release, acidization events, pipeline leaks, monitoring, or other emergency disaster response.

When monitoring occurs, for example, it is important for community members to know who is responsible between CalGEM and local air districts based on the geographic location. Or when a pipeline rupture is detected, we must know which specific state entity is responsible for notification and repair.

When it comes to other community engagement pieces on a longer time-frame, including rulemaking processes and task forces, we suggest CalGEM continue to notify CBOs per its current practice.

Again, we suggest CalGEM invest in new avenues for communication to use during



emergencies, including email lists and text alerts. A sign-up for these communication avenues ought to be found easily on CalGEM's website, and CalGEM must share this sign-up information with schools and community centers – especially within 3,200ft of the site of an emergency or drill site monitoring. This contact list must also be shared within the CUPA partnership with local agencies and first responders.

3. Data Access

There is a significant disparity in the public safety data CalGEM has access to and the data that is made available to CBOs, particularly regarding idle wells. To increase transparency, communication, and community engagement, we suggest taking a few steps to increase data access:

- CalGEM must provide access to WellStar data in real time. Currently, when organizations have requested the dates that particular wells became idle or ceased production, the response is a time-consuming process to look up each well individually. For this reason, we still do not have an accurate snapshot of the true number of idle wells on any given day. Even providing CBOs with the raw data will allow us to better conduct our public health and safety education. Having access to accurate data is important for the public when it comes to oil and gas extraction sites and their harmful consequences, and real time WellStar data is a crucial component of this work
- CalGEM must also provide the option for oil well data to be filtered by city, not just county. Public records requests for idle oil wells in the City of Los Angeles refer CBOs to WellStar, rather than supplying the requested info, which is still not clear on WellStar.³ We know CalGEM has access to this information and request it be made public as well.
- Should CalGEM continue to direct the public to WellStar, which contains incomplete records, rather than all of the files associated with each OPI number, and is not keyword searchable, the agency must update and improve the platform. As it stands, CalGEM's current PRA response practices are inadequate for this reason.
- CalGEM must make enforcement documents like NOV's and Spill and Causal Reports available online and provided to local CBOs. The current PRA process requires that CBOs first be aware CalGEM has taken an enforcement action in order to request these documents, however, CalGEM does not always currently communicate its enforcement activity reliably or accurately with CBOs.

³ The Public Records Act does not allow an agency to direct the public to an agency's website unless the agency also identifies the specific location on that website where a record is posted. Gov. Code § 7922.545(a). Where a member of the public is unable to access a record on the agency's website, the agency must provide it to the requester directly. Gov. Code § 7922.600(b). Agencies have a duty to assist the public with identifying responsive records and are affirmatively "obliged to search" their files for such materials. Gov. Code § 7922.600(a); *California First Amend. Coal. v. Superior Ct.*, 67 Cal. App. 4th 159, 165-66 (1998).



We look forward to discussing these suggestions more with CalGEM and DOC leadership, understanding your perspective, and offering our guidance on how to conduct this community engagement work. We look forward to this conversation as an opportunity to build trust and work together. Please kindly let us know when you have read this memo and would like to discuss any questions you may have, and you may also feel free to respond directly with questions in written format ahead of a future conversation.

Thank you, on behalf of VISIÓN and STAND-LA,

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