

Oil Industry Seeks Supreme Court Review of California Offshore Fracking Ban

9th Circuit Refused Previous Request, Upheld Lower Court Decision

By [Center For Biological Diversity](#)

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The American Petroleum Institute and two oil companies filed a [petition for certiorari](#) with the U.S. Supreme Court today, seeking a review of a lower court decision that halted offshore fracking in federal waters off California. A previous request by the Biden administration to the 9th Circuit Court of Appeals for an "en banc" review of the ruling was denied.

"The decision to halt fracking was exceedingly well-reasoned, and I hope the court rejects the oil industry's reckless attempt to overturn the 9th Circuit's ruling," said Kristen Monsell, oceans legal director at the Center for Biological Diversity. "Fracking is dangerous to whales, sea otters and other marine wildlife, and this dirty, harmful technique has no place in our ocean."

In 2016, the Center and the Wishtoyo Foundation sued the federal government to stop offshore fracking. Then-California attorney general [Kamala Harris](#) filed a similar case. In June 2022, a three-judge panel of the 9th Circuit [upheld](#) a lower court decision that prohibits offshore fracking in federal waters off the California coast. In August 2022, the Biden administration asked for an en banc review to overturn that ruling and allow offshore fracking to resume. That review was denied in September.

The 9th Circuit's original ruling found that by allowing fracking from all active oil and gas leases in federal waters off California, the federal government violated the Endangered Species Act, the National Environmental Policy Act and the Coastal Zone Management Act.

The 9th Circuit stated that Interior "should have prepared a full [environmental impact statement] in light of the unknown risks posed by the well stimulation treatments and the significant data gaps that the agencies acknowledged" but that instead, the agency

“disregarded necessary caution when dealing with the unknown effects of well stimulation treatments and the data gaps associated with a program of regular fracking offshore California in order to increase production and extend well life.”

The ruling was the result of three separate lawsuits filed by the Center, the state of California, and other organizations.

The 9th Circuit decision prohibits the Department of the Interior from issuing fracking permits until it completes Endangered Species Act consultation and issues an environmental impact statement that “fully and fairly evaluate[s] all reasonable alternatives.”

Fracking wastewater is often discharged directly into the ocean. Center scientists have [found](#) that at least 10 chemicals routinely used in offshore fracking could kill or harm a broad variety of marine species, including sea otters, fish, leatherback turtles and whales.

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