

Hydraulic Fracturing News Flash

Sedgwick

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Los Angeles City Council Votes to Ban Hydraulic Fracturing: Home Rule or Preemption

Following a string of bans enacted by municipalities in New York, Texas, Hawaii, New Mexico (a countywide ban was enacted), Vermont and New Jersey, the Los Angeles City Council approved the adoption of a local ordinance banning hydraulic fracturing within city limits. On February 28, 2014, the Los Angeles City Council unanimously ordered a new municipal ordinance to be crafted, which would ban hydraulic fracturing and other well-stimulation activities, such as acidizing, within the city confines. The ban would for all intents and purposes be prophylactic as the South Coast Air Quality Management District, the agency that oversees oil and gas development in Southern California, reports there were no hydraulic fracturing operations conducted within the Los Angeles city limits and only 28 acidizing events for the six-month period ended December 31, 2013. The city of Los Angeles currently has 1,880 active and 2,932 abandoned oil and gas wells, according to the state Department of Conservation.

The ordinance would place a moratorium on *“all activity associated with well stimulation, including, but not limited to, hydraulic fracturing, gravel packing, and acidizing, or any combination thereof, and the use of waste disposal injection wells.”* The ordinance would make Los Angeles the only oil-producing city in California to ban hydraulic fracturing. The moratorium would remain in place until the city verifies that hydraulic fracturing will not harm public safety or compromise drinking water.

The ordinance must still be drafted and is subject to additional public input before being presented to the City Council for a final vote.

In 2013, the California Legislature passed and Gov. Brown signed **Senate Bill (SB) 4**, a wide-ranging and comprehensive statute governing hydraulic fracturing statewide. In February 2014, **SB 1132** was introduced by State Sens. Mitchell and Leno. **SB 1132** calls for a moratorium on all forms of well stimulation, including hydraulic fracturing and acidization, until a comprehensive, independent and multi-agency review exploring the economic, environmental and public health impacts is complete.

The scope and breadth of the Los Angeles ordinance may be its undoing as the Los Angeles City Council has directed that the ordinance include a moratorium on many of the same oil and gas

Sedgwick's **Hydraulic Fracturing Task Force** is an interdisciplinary, cross-practice team of attorneys with substantial knowledge of and experience in oil and gas exploration, geology, and environmental science, and related insurance coverage issues.

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We have been closely following the ban on hydraulic fracturing in municipalities in various states.

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[-N.Y. Appellate Division Affirms Zoning Ordinance Banning Hydraulic Fracturing](#)

[-New York Supreme Court Upholds Towns' Fracking Bans](#)

activities that **SB 4** currently regulates, and that **SB 1132** also would govern (if enacted). As such, the Los Angeles ordinance is likely to be challenged under the principle of preemption.

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