

Fighting Fossil Fuels in the Courts and on the Ballot

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Recorded on May 17, 2024



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Greg Dalton: I'm Greg Dalton.

Ariana Brocious: And I'm Ariana Brocious.

Greg Dalton: And this is Climate One.

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Greg Dalton: Climate change means extreme weather, economic instability, social havoc... and all that disruption is being driven by our continued use of fossil fuels. The industry is so deeply entrenched in all aspects of our lives that getting off fossil fuels can feel slow, complicated, even impossible.

Ariana Brocious: But there are multiple ways to drive change: as an individual, you can get fossil fuels out of your home and driveway... you can dump oil and gas stocks from your portfolio...

Greg Dalton: You can push elected representatives to focus on climate, and you can vote with your wallet and your fork.

Ariana Brocious: Right, eat less meat and buy less stuff, that has a big impact on climate. Today we're going to feature two people taking different approaches to fighting fossil fuels. One is young climate activist Nalleli Cobo. We had her on the show last year. She was part of a grassroots effort to get oil wells in her Los Angeles community shut down. And she succeeded.

Nalleli Cobo: It's really powerful to know that a community that was viewed as invisible, as disposable, created historical change.

Ariana Brocious: And she hasn't stopped. Now she's working to defend a statewide California oil and gas setback law from repeal by the industry. We'll hear from her a bit later in the show.

Greg Dalton: She has this calm, fierce power. She and her neighbors are fighting to open windows in our own home, it's a life or death situation for them. Today we're also featuring someone from the opposite end of the power spectrum, so to speak, from the highest legal authority in California - Attorney General Rob Bonta.

Ariana Brocious: We've talked a lot on the show about how much fossil fuel companies knew about the climate-harming effects of their products - how EARLY they knew, decades and decades ago - and how they've spent the last half-century systemically deceiving the public to protect their interests. And we are now starting to see a series of lawsuits seeking to hold the companies to account for that deception. Just last week, Michigan Attorney General Dana Nessel announced that she, too, plans to sue big oil. Michigan would be the ninth state to do so. Though of course, California is the biggest.

Greg Dalton: Right. California has the fifth largest economy in the world - and it's a major oil producer. So this suit is a big deal. Last fall, the state's Attorney General Rob Bonta filed a lawsuit against five of the world's largest oil and gas companies, along with the lobbying organization American Petroleum Institute. During the recent San Francisco Climate Week, I invited him to join me in front of a live audience at the Commonwealth Club to talk about his approach.

Greg Dalton: You filed the civil lawsuit that alleges ExxonMobil, Shell, Chevron, ConocoPhillips, BP, and importantly, the American Petroleum Institute have known since the 1960s, I actually think there's evidence they knew in the fifties that burning fossil fuels could warm the planet. Then instead of alerting the public, they chose to downplay or outright deny the effects. Can you give us an overview of the suit and what it alleges.

Rob Bonta: Absolutely. That The short of it is that these fossil fuel companies and the A. P. I. The American Petroleum Institute, they knew about global warming and predicted with terrifying accuracy where we would be today with extreme weather and global warming and climate change and they lied about it. It was bad for business. They knew internally, they acknowledged internally with memos and conversations, the truth of climate change, but externally, to the public, to the world, they lied. And they denied climate change. And they didn't just fail to talk about it. They had a very sophisticated, strategic public relations approach to how they denied it. They hired a firm and they created front groups and they placed and planted op eds, all saying the opposite of what they internally acknowledged. And so this is a climate change deception case. We have filed it in San Francisco Superior Court. We are the biggest geographic entity and biggest economy to sue these fossil fuel companies for this conduct. We think it's a game changer. We think it's a massive, transformational moment in terms of accountability. And we believe in a simple premise. One, you shouldn't lie to the people of this state, of this country, of this world. And two, you should be held accountable. And pay for the damage that you created because of that deception and because of those lies. So a cornerstone of our case is our public nuisance claim, which has a remedy of an abatement fund. A fund to pay for mitigation and abatement to address climate change, repercussions that have harmed so many of us. Of course, now we know we're seeing droughts and floods and wildfires and super storms and homes are being washed away or burned and farms are being impacted. Our infrastructure, our roads -

Greg Dalton: Can I just jump in there though, you know, public nuisance sounds like, you know,

noisy neighbors next door and dog poo on the sidewalk. It doesn't sound like a serious thing, you know, so what is it about nuisance as a legal term because nuisance sounds like, eh, you're a pain, but you know, it's not a big deal.

Rob Bonta: It's very serious and it's been applied in major actions like this in the past. So it is essentially a harm to a community or a neighborhood that's been created by a single entity. That is exactly what's happening here with fossil fuel companies creating harm to, you know, all Californians and beyond. And it's not an unprecedented, novel approach. It's been used with tobacco. It's been used with opioids. It's been used with lead paint, other entities, big corporate entities that have harmed people with a product that they knew was harming them and continued to perpetuate it and push it out into the marketplace anyway. So it's a tried and true approach and the abatement fund could be seeded with billions of dollars from the fossil fuel industry.

Greg Dalton: Okay, and we'll get into that later. So nuisance is more serious in a legal term that it means to kind of the average person. There's also fraudulent, you're claiming business practices that damage the natural resources and product liability so that this seems like you're actually throwing a lot of different things to see what sticks.

Rob Bonta: That's it. There's four buckets of legal claims. There's the public nuisance claim. There's a series of claims around fraud and deception and false advertising. There's a failure to warn products liability bucket of claims. And then the fourth is a special cause of action that is unique only to the Attorney General of the state of California to be able to protect our natural resources when they're harmed by an entity. So four buckets, the most broad sweeping set of claims ever, in this space, again, brought by the largest geographic entity and economy. Our complaint's very thorough, over 135 pages. There's a set of 15 to 20 pages, which layout in excruciating detail that will make your blood boil, the facts dating back from the fifties, sixties about what the fossil fuel companies that are defendants in the case, what they knew when they knew it, how they acknowledge that citations and quotes to internal memos, to internal discussions and then what they did instead to lie to the people, to bypass clean energy pathways and opportunities for carbon capture and development of other technologies in pursuit of billions of dollars in profits. And their business model has been very successful. They have captured billions of dollars in profits while socializing the costs to the people of California, America, and the world.

Greg Dalton: And we've seen this before a lot of this follows on the tobacco playbook. They go from deny to delay to deflect. There's lots of words that come up here, and then in 1998 big tobacco agreed to a grand bargain and pay more than 200 billion dollars over twenty-five years. It's known as a masteral settlement, complicated, but there's similarities, lots of states and then they eventually rolls up into one big settlement. This happens in asbestos and other things. So how relevant is the tobacco precedent for what you're trying to do on oil?

Rob Bonta: Very relevant, and I'm, and we, we can't talk about our lawsuit without talking about tobacco, without talking about opioids, without, talking about lead paint, and, you know, the, the, the similarities with tobacco are striking. The use of front groups, the use of strategic public relations firms –

Greg Dalton: Some of the very same lawyers.

Rob Bonta: The same ones. It's the same playbook. It's an off the shelf playbook used by corporations when they know about a fact that is very problematic to their business model, that they know that they're hurting people, and if people knew that they would make different decisions, so they set about to lie. Merchants of doubt, undermining the science, and providing studies that they commission and op-eds that they place in, in key newspapers to suggest an alternative reality

Greg Dalton: Influencing elite universities with research funding, yeah.

Rob Bonta: So paying for their own studies. They don't like the actual facts. They pay for alternative facts. And it's wrong. And, the pathway that tobacco took where multiple entities worked together, teamed up, applied aggregated pressure over time and across geographic spaces. We're in the middle of that process now, I believe. Our entry, I think, opens up the floodgates for others to join, and if other states who are invited to join and other entities who are invited to join, add their voice, then I think we get to the same place as we were with tobacco.

Greg Dalton: But there's a big difference between tobacco and oil is a lot of people never smoked, right? Everybody uses fossil fuels. I've owned an electric car for more than a decade. I still use fossil fuels. I still fly, you know so tobacco and oil are different. The economy runs on oil in a way that it never ran on tobacco and we're complicit. You and I are both complicit. So, how do you get to that?

Rob Bonta: I mean, it's not about who's using fossil fuels. You know, like you said, it's universal. It's ubiquitous. And that's part of the lie here is to tell people it's okay to use fossil fuel because climate change is not real. It's not really happening or it's not happening as quickly or it's not as urgent or we are now, you know, today's greenwashing lies, you know, fossil fuel is actually clean energy. Natural gas is clean energy or we're in the middle of a massive transformation into clean energy futures when only, you know, 1 percent or less of their investments are actually in clean energy and 99 percent remains with fossil fuels. So, you know. We are the state of California suing. California is a fossil fuel producing state. We're the home of Chevron. And both things can be true at once. That you can hold fossil fuel companies accountable for their conduct, for their lies, for the damage that they visited on the people of the state and this nation and, acknowledge the truth that got us here, which is that, you know, fossil fuels are ubiquitously used.

Greg Dalton: There's a difference also in the mechanism of harm. When I smoke a cigarette, smoke goes into my lungs, it causes cancer, right? We burn fossil fuels, it goes up in the sky, something happens, and suddenly the San Mateo coast is eroding, and, you know, we have droughts, and, and so how do you know that this company or this refinery is caused this flood or this damage, therefore to assign damage in a court case?

Rob Bonta: Yeah, you know, that'll be part of what we have experts to talk about the depth and the depth and the exact scope of the damage, the causation that exists. There is no doubting climate science and climate change, although the whole business model of the fossil fuel companies has been to doubt it. If you believe in facts, evidence, science, and data, you can't. And so that will be a part of the discussion, how much each entity pays into the abatement fund, how much Chevron is responsible, and how much, you know, Shell is responsible. I'm happy to have them pointing the finger at one another to talk about who's more responsible than the other, but the damage in aggregate will be clear. The impact on Californians, you know, we have data that shows the impacts of wildfires, the impacts of floods, the impacts of super storms. It is knowable. And so, we will present that to a court and make our case.

Greg Dalton: Ben Santer is a climate scientist formerly at Livermore National Lab who kind of pioneer and fingerprinting and he says that climate science in courts is kind of like where DNA evidence was 25 or 30 years ago. It was this complex science people didn't know how to use it in courts and now DNA evidence is kind of common and used all sorts of ways right to get people convicted or let out. He says climate science will be like DNA science and used in courts. So tell me a little bit about this fund, who pays into it and who decides where the money goes because that's often a big issue is like, okay, got a big pot of money, you know in smokers it's pretty clear, right? It's gone toward education, stop kids from smoking. Where would you direct the fund if you were successful?

Rob Bonta: You know, this is something that will be the product of discussions at the time that we secure the abatement fund, which is not today. It'll be a couple of years down the road.

Greg Dalton: Might be decades. Some people say.

Rob Bonta: We don't think so. We think three to five years. We want to move expeditiously. The abatement fund will be used based on the need to address all of the variety of harms of climate change to abate and mitigate. It could be things like cooling centers and clean air centers, forest management, sea wall could be possible. Water storage to address drought, any of the challenges from, you know, drought to wildfires, to floods, to superstorms that have a, have a mitigation. Those are potential areas for investment.

Greg Dalton: And you've worked on environmental justice, what about communities that have been most harmed because we have five refineries here in the east bay. They're concentrated in a certain area. You know, it is downwind from Pacific Heights and Marin. What about those communities that have been frontline and harmed most by fossil fuels?

Rob Bonta: Absolutely. The communities that are hurt first and worst, that are under-resourced and overburdened, that live at the intersection of poverty and pollution are top priority for relief and for support. It's, it's, it's an appropriate allocation of resources to help those harmed the most, and who have the least ability to respond and provide them substantial resources up front.

Greg Dalton: By one count, there are more than 30 cases against oil companies filed by states, cities, and tribal nations. been a lot of procedural, try to try, slow it down. Massachusetts and the city of Honolulu have moved past a lot of those motions for dismissal and reached pre-trial discovery phase. Now this is where things get interesting because this is when boxes of documents start to show up and emails get revealed. So what are you looking for in discovery? Because these are when the so-called smoking guns come out and things get really interesting.

Rob Bonta: Yeah, it's exciting and that there's 30, I think you'll see double, triple, quadruple that in terms of entities that sue as they learn more about the case and they see that the momentum that we're building and they see that you can get to the substance and hold accountable these fossil fuel companies. I'll say first that when we sue, we feel we will win in court at the time of suit. That we've done our due diligence. We've done our investigation. We've developed the factual case and bases for our claims. And we feel, you know, we could go to trial, very soon that we don't need discovery to prevail. Discovery is another way to build on our causes of action, maybe identify other causes of action and amend the complaint to add belt and suspenders to the facts that we already have. So, you know, we're looking for more smoking guns and I say more deliberately. We have smoking guns. We have those memos that show that in the fifties and sixties, these fossil fuel companies are acknowledging the future of climate change and extreme weather and global warming. They knew then where we would be today, and they said it, and we have documents that prove it. So are there more documents? Is there additional indication of that theme of knowing about climate change climate change and lying? Surely, there's more and we expect to find some of those documents in discovery and what becomes available in other cases, you know, to the extent it's not confidential and it's public becomes evidence in other cases.

Greg Dalton: Sometimes in the American system, a lot of the, the most egregious transgressions are legal. You know, a lot of what happened in the great financial crisis of 2009 was legal, right? So, proving lying is one thing. The part for me that was the strongest case, is policy obstruction. You know, I talked to one lawyer for Chevron who said, look, you know, this should not be in the courts. Congress should address climate change. It's too technical for the course. And I said, I agree with you. And, you know, if that's the case, you really believe that then the American Petroleum Institute,

which you're a member of, should stop trying to smear electric cars and slow down progress and all, all these sorts of things. So isn't it possible that what they did, you know, it's part of our system to slow down policy that's not in their interest. That's legal. That's okay by our system.

Rob Bonta: I mean, the fossil fuel companies are allowed to make their comments known to policy makers, to lobby them to petition their government for the positions that they want. That is completely separate from this lawsuit. The fossil fuel companies want, and shared with you exactly what they've been sharing since day one. They want you and others to wrongly believe that this lawsuit has something to do with policy. It doesn't. This is a lawsuit based on a cause of action and a legal claim and the facts that support it that lead to a remedy.

Greg Dalton: Some people say impact litigation is partly about chipping away what's called the social license to operate. These companies operate partly because society allows them to operate and you know whether it's gun manufacturers or opioid etc that can that can erode and public support can erode for these companies and that's that's one tactic. How much do you think about the social license to operate that could be eroded? Where consumers, investors start to say like, Ooh, you know, we don't want to be part of these companies. It's not so much about the legal case winning in court. It's about a broader social or even, or even moral question.

Rob Bonta: I think those are all part of the bigger picture. We are occupying one lane in this broader sort of discussion and dialogue about climate change, our global future, the role of fossil fuels in bringing us to the brink to where we are. There's a whole set of others, as we know, where socially conscious investment is, is a part of, of the theory of change. Do we have our, our big pension funds invest in fossil fuel or do we divest? Or you know, what do boards want from their companies? How are they going to hold these fossil fuel companies accountable? What do shareholders do? Those are all separate from us, but they're part of the broader discussion. And then there's also, policy and law being created in Congress and state legislatures throughout the state. So all different ways to address a problem that we are collectively facing. But we are in a very unique and distinct lane of litigation.

Greg Dalton: You're listening to a conversation with California Attorney General Rob Bonta about the state's lawsuit against big oil companies.

Coming up, the shifting economics of the energy industry:

Rob Bonta: The system is changing as we speak. Under our feet. It is becoming more expensive to be dirty than clean.

Greg Dalton: That's up next, when Climate One continues.

Ariana Brocious: Please help us get people talking more about climate by sharing this episode with a friend. And we'd love to know what you think of the show. Please give us a rating or review. You can do it right now on your device – and it really helps people find the show. Thanks!

This is Climate One. I'm Ariana Brocious.

Greg Dalton: And I'm Greg Dalton.

Ariana Brocious: While it's true that fossil fuel companies engage in deceptive practices to protect their profits, it can be hard to change a business that's embedded in and profiting from our carbon economy.

Greg Dalton: Right, and they produce a product that is used by everyone everyday. Without them

schools can't educate and hospitals can't heal. I talked about this with California Attorney General Rob Bonta – he's currently suing five major oil companies and their lobbying organization. I asked him how he would handle that transition if he were CEO of a major oil company.

Rob Bonta: If I was a CEO, I would say we're an energy company and energy can be created in ways that preserve our planet and ways that destroy our planet. And we should embrace the pathway that preserves our planet, protects it and move away from fossil fuel and into clean energy and be an extremely successful billion dollar clean energy, sustainable energy, green energy company that provides energy for California, the United States and the world.

Greg Dalton: BP tried that, you know, became Beyond Petroleum, right? And Lord Brown, who I've actually sat with here at this stage, you know, and you could, you could say that they were flawed in their implementation. And what part of the problem was that Wall Street- dirty still makes more money than clean because dirty doesn't pay the full price of the pollution that they socialize and put into the atmosphere we're using as an unpriced sewer. So CEO Rob Bonta you could say that and I'm Wall Street I'm like, uh uh, because you're not going to make as much money. So the system traps these individuals. So don't we need to change the system, because it's really the financial model that you know. Any company that wants to kind of do more renewables as big and powerful, these companies are they're still in an even larger system.

Rob Bonta: The system is changing as we speak, under our feet. It is becoming more expensive to be dirty than clean. You know, this abatement fund remedy is billions of dollars, to the bottom line of fossil fuel companies. That's a cost they have to report, they have to share with their shareholders. The divestment of pension funds and others, are costs. There are subsidies for investments in clean energy and green energy. So the economic point is an important one. I think that that is becoming less imbalanced over time, but it's also just a corporate responsibility. Like, do you want a planet for your kids and grandkids, for your worker's kids and grandkids. Do you want to be part of the thing that ended our planet and our future? Or, or did you transform and change and embrace a clean energy future?

Greg Dalton: ConocoPhillips is one of the companies you're suing, and I actually spoke to a board member of ConocoPhillips, who's an amazing guy who doesn't like going to gas stations, drives an electric car, and says that energy companies are terrible at making money. Look at their return on capital for the last 10 years and that they will not play a role in the energy transition because it's not good at what they do. They're not good at solar that, you know, they do these like multi billion dollar massive projects. He thinks they're ill equipped to be part of an energy transition and he's on the board of one of these companies. He basically wants the last oil to come out of the ground to be American. For American jobs, we do it better and cleaner than other places and to make money doing it. My point is like these companies are not monoliths. They're like people with different interests. How much interaction, do you even have conversations with oil companies, you know, back channel, etc Or is it kind of like we don't talk to you because you're suing us?

Rob Bonta: We've talked to him. I've talked to the fossil fuel industry leaders in Sacramento as a legislator. I've talked to them as an AG. We take meetings. We have an open door policy. We listen. We're willing to learn where we were open minded. We're happy to have those conversations. We're happy to listen to possible pathways for the future. But to that point about not being equipped, that's today, get equipped, bring the talent in. That happens all the time in companies as you need to be nimble and adapt. You know, legacy approaches are not the ones for the future and there's disruptors enter the marketplace. You have to adjust. So adjust. Don't say we can't do it. Get prepared to do it and make the change.

Greg Dalton: As you mentioned, California is an oil state, produces more oil than many people

realize in the Central Valley. How about the workers? There's a transition for them. Sometimes they hear these conversations, like, you think I'm bad. You know, you think I'm a bad person because I work in oil, right? So what do you say to the rank and file workers who feel, wait, you want me to, you're trying to sue my company and put me out of business. I'm out of a job.

Rob Bonta: The workers are absolutely critical. And solving that piece of the puzzle, critical. Often referred to generally as, as, you know, the just transition. I don't think anyone who works in oil is bad. I don't pass any judgment on anyone who wants to work and support their family. They're getting, many are getting good jobs in the fossil fuel industry. And they deserve good jobs in clean energy.

Greg Dalton: Union jobs. Well-paying a lot better than, than the, the clean energy jobs are not union and don't pay so well.

Rob Bonta: No doubt about the fact that the fossil fuel jobs are often union and well paid with benefits and health care. We need to make sure that those jobs, that there's no loss, that everyone is continued to made whole as the transition occurs. That could look like a number of different things. The most important thing is that we don't talk about it, we do it. That there are good jobs in in wind energy. And that you get the same health care and benefits and pay and union protections and then, and then in, in, in solar or whatever else it is that we pursue in clean energy. It might mean that there needs to be some government subsidies to protect and support workers to make sure that none of them are treated less than they are now in fossil fuel when they take a job in clean energy. Some folks, you know, who may not have a lot of career left and for whom retraining might not be appropriate. Maybe they just get a massive payout. That could be a wise investment in our future by government, to be part of the solution and to support it with subsidies.

Greg Dalton: One thing I'm keen on is is geothermal. We have a fair amount of geothermal in this state. And that's actually a place where oil and gas skills are transferable. And there are people we've interviewed people who've gone from oil and gas to geothermal and that's actually a very real pathway. Maybe more for individuals than than for companies. Your mother helped organize Filipino and Mexican American farm workers for United Farm Workers. How does that influence your work on environmental justice?

Rob Bonta: One, it makes me very sensitive to and supportive of workers to make sure that they are treated with dignity and respect, are supported and valued and seen throughout this whole process. That's item number one. Number two is, you know, I grew up in La Paz in the headquarters of the United Farm Workers of America. My dad worked in the front office with Cesar Chavez, my mom in the preschool with Dolores Huerta. We were there in the early seventies. We lived in a trailer. My parents got paid \$5 a week for their work with the United Farm Workers, and some of their work involved things that we might call environmental injustice today. The fact that there were workers working in extreme heat, or with exposure to pesticides, or without getting access to water breaks. That was environmental justice before it was environmental justice and, you know, making sure that those disadvantaged communities, the communities that are under-resourced, overburdened, you know, living in communities where there's massive impact, you know, of the pesticides and the challenges that that helped me become sensitive to and excited and passionate about doing climate action and making sure that we have justice as we pursue climate action that preserves our planet and making sure that we always look through that equity lens and support our disadvantaged communities who are hurt first and worst.

Greg Dalton: Looking ahead, there's a possible change in administration. You will be the person that will defend California's waiver under the clean air act to have stricter pollution laws because our air here is so bad in the LA basin in the central valley. What are you anticipating for a possible,

you know, situation where, you know, usually California is kind of aligned with the feds or sometimes they're like this and we go like this and we go like this, back and forth. We may be entering in a period where the waiver is going to be, you know, rescinded, which, you know, a lot of California's climate policy rests on our ability to have stricter standards here. What are you worried about looking ahead at November?

Rob Bonta: Let me first say that, you know, with the Biden administration, I'm super supportive of the Biden administration generally, we're talking about environment. So supportive of the great work that they've done to move away from the Trump era rules and lean into climate action that helps address our climate change problems. And as friends, it's sometimes important for friends to push friends to do more. California is always the most aggressive, on the leading edge, doing the most, on the front foot, and we want to push other states to do something similar, our federal government to do the same, and other nations around the world. So that has always been our mantra. It's part of our legacy in addressing climate change, protecting our natural resources. Of course, my hope is that the Biden administration continues their great work and has four more years to do it. That is not the only possibility of the general election coming up in November. So we have to be prepared for an alternative. And I guess fortunately, and unfortunately we had four years to see what that could look like in an iteration, not, not the only iteration, it could be worse. It could be different in a Trump 2.0 administration should that come to pass. But you know, we, California and, and my office sued under my predecessor, the Trump administration over a hundred times, for a lot of issues that, you know, that were high profile, like the Affordable Care Act, like DACA and immigration policy. But the majority of those hundred plus lawsuits were environmental. And holding the Trump administration to account when they moved beyond their regulatory or executive authority, violated federal law, or infringed upon other legal jurisdictions, including our own. So, we are prepared to do the same. We need to continue to lead this nation and this world, and if the Trump administration comes to pass and becomes a impediment and a challenge, we will stand up tall and strong and continue our pathway forward, including getting our waivers so that we can be even more aggressive than the rest of the nation when it comes to vehicle emission standards and other things.

Greg Dalton: That was California Attorney General Rob Bonta. We talked in front of a live audience at the Commonwealth Club as part of San Francisco Climate Week.

Ariana Brocious: While some have the power to take their cause to the courts, others harness the power of people by going to the streets and the voting booth. Nalleli Cobo of Los Angeles was just nine years old when she became a climate activist. And the fight sort of thrust upon her. She grew up near an oil well and started suffering some terrible health impacts. She told me about it when we had her on the show last year.

Nalleli Cobo: It all started with a nosebleed and the first nosebleed we didn't think much, you know, I probably didn't drink enough water that day it was probably too hot outside. But the nosebleed came back three times that week. And every time they came by it was more and more intense. It got to the point where the nosebleeds got so intense, I couldn't sleep in my own bed anymore. I would have to sleep in a chair to prevent choking on my own blood. I developed asthma and that's something I'm always gonna have to live with now. I had heart palpitations and I had to use a heart monitor for several weeks. I got body spasms that were so intense I couldn't walk. My mom would have to carry me from one place to the other. Unfortunately, the list goes on and on.

Ariana Brocious: And it wasn't just her. Other kids and adults in her community were also getting sick.

Nalleli Cobo: My mom developed asthma at 40 which is really rare and my grandma developed it at

70 which is unheard of. It was a common conversation starter for a parent to stop each other in the streets and say, my son is in the hospital from an asthma attack. How's your daughter's asthma? Or my son is in the ER, can you help me pick up my other kids from school? And that's not normal.

Ariana Brocious: How did you connect the health symptoms that you just described with the oil well in your neighborhood?

Nalleli Cobo: So, when drilling for oil there are a lot of toxic emissions that are released into the air and it typically smells like rotten eggs, just really gross. Something the oil well in my community did was add even more chemicals to mask the smell. So then, my community would smell of guava, chocolate, cherry, citrus. And out of nowhere this smell started occurring. And the smell was constant. It was a smell that just as soon as you took a breath and inhaled you were sick to your stomach. We originally thought that something was wrong within the building that we were living in, you know, a leak, plumbing issues or some sort. And we started contacting the executive director of the organization that owns the affordable housing building. And we started calling them and they said, no, I assure you the building is okay, it's most likely the oil well across the street. And we said, the what? And it was up to us to become the experts and start learning what was going on in our community. So, we started calling the South Coast Air Quality Management District and filing complaints. And then we're very fortunate to have Physicians for Social Responsibility Los Angeles send a toxicologist to come speak to my community. And that's when we officially connected the dots and said, oh, this chemical use during oil extraction causes X, Y, and Z symptoms and that's what we're experiencing.

Ariana Brocious: Cobo and her mother began knocking on doors in their community, helping her neighbors learn about the dangers of neighborhood drilling. They spoke at rallies and government meetings, and advocated for their community's health. Out of this effort Cobo helped co-found the organization People not Pozos (which means wells in Spanish).

Nalleli Cobo: Because I was so young, I didn't realize what I was up against. I just thought I was fighting grown-ups. And for me it was, I can challenge a few grown-ups, but I did not understand that I was fighting big oil, multibillion-dollar corporation. And I think it helped a lot not to know that at the age of nine.

Ariana Brocious: But her activism took her away from the activities of being a normal kid - especially when she was a teenager.

Nalleli Cobo: It was difficult to be in high school and have all my friends go to this really cool event, this really cool party, this really cool dance and I couldn't go. And while I was fully aware of the decisions I was making, I would weigh the options as if okay what will serve my community better, going to this conference or going to this dance. And I would always choose the conference. But it is difficult when I remember this really cute guy asked me to his prom and I said yes. And a week later I got an opportunity to go to a conference and I said, I'm so sorry I will help you find another date. And it's those decisions that I know that will serve me in the long run, but it's hard in the moment as well.

Ariana Brocious: After nearly a decade of raising the alarm, Cobo and her mom had a big break in 2020, when pressure finally drove the oil company, AllenCo, to shut down the drilling site near her childhood home. Then in 2022, the LA City Council voted to ban new extraction and phase out ALL drilling in the city over a 20-year period.

Nalleli Cobo: It's really powerful to know that a community that was viewed as invisible, as disposable, created historical change. You know we said enough is enough. We are not invisible.

We're humans and we deserve to live a sustainable life. We deserve to live without being in fear of what we're breathing in.

Ariana Brocious: But even as she's had some successes, Cobo's health issues have become even more serious. At age 19, she was diagnosed with stage two reproductive cancer. Yet even during treatment she's continued her work as an activist and organizer. She's fighting to get oil and gas drilling away from the homes and schools of her fellow Californians. And in 2022 she won the Goldman Environmental Prize.

Coming up, we check in with Nalleli Cobo to hear about the next front in her fight against big oil:

Nalleli Cobo: I have a dream where urban oil extraction and environmental racism aren't learned about through lived experience the way so many of us have had to learn and experience it, but it's learned about in history books.

Ariana Brocious: That's up next, when Climate One continues.

This is Climate One. I'm Ariana Brocious. Today we're featuring Californians who are fighting the oil and gas industry in different venues: the courts and the ballot box. Just before the break we heard from LA climate activist Nalleli Cobo, who has spent more than a decade fighting against fossil fuel extraction in her community and others. And she did all that while battling her own health struggles... probably caused by those same fossil fuels.

Now, some of her hard won gains are in danger of slipping. In 2022, California Governor Gavin Newsom signed a bill that would block new oil and gas wells near homes, schools, and hospitals. Then just days later, the oil and gas industry launched a campaign asking voters to repeal the law. So now it's on hold until the election later this year. I invited Cobo back on the show to hear how she's dealing with this setback.

Nalleli Cobo: So for over a decade, Californians, frontline community members, community based organizations and people that believe in people's right to breathe clean air had been tirelessly advocating on the statewide ban. It was us saying enough is enough and prioritizing people's health over profits. Almost 3 million Californians live a mile or less to an active oil and gas well, and we were prioritizing their health and wellbeing. It was a historic and incredible change-making day when California Governor Newsom signed and implemented this into law. But it was attacked by the oil industry days later. And the oil industry is willing to spend 200 million dollars on keeping this law overturned.

Ariana Brocious: So what did you feel when you found out about this effort to kind of derail the work you and others had been doing for so long?

Nalleli Cobo: It's difficult to put into words. I mean, I remember the moment I found out that this had been passed. I was at a dinner with my mom and my phone just started blowing up and I was like, why am I being tagged on Twitter so much? Like what's going on? And it was that they had just voted unanimously and it was, oh my God, I don't want to get emotional, but it was such a powerful moment because it was everything that we had fought for come to this moment and it was like our finish line was finally in the horizon, you know, you could see the light and that was taken from us. And that was something that belonged to the people. It belongs to the youth. It belonged to the future to our elders. It was us taking our voices and our homes back and defending ourselves. To know that the oil industry is using yet again another tactic. Yet again another intimidation tactic to add another fight to continue to drill in our backyards and to continue to make profit off of our health. It's heartbreaking. It's, it's upsetting. It's a mix of emotions because what we're fighting for is

to open windows in our own home.

Ariana Brocious: Right.

Nalleli Cobo: What we're fighting for is to have kids play outside and not have them trigger an asthma attack or a nosebleed. We're fighting to have kids sleep in their own beds and in the sleeping position and not in the chair to prevent choking on their own blood at night. Like this is, life or death situation. And to know that it's still not enough.

Ariana Brocious: Yeah. Well, Jane Fonda, California Governor Gavin Newsom, and former California Governor Arnold Schwarzenegger teamed up to defend this bill that you helped make happen and kick started the Safe and Healthy California campaign, and you were there with them. So tell me a bit about what that was like, seeing your work elevated by these pretty notable figures.

Nalleli Cobo: It was an incredible day because it was a day full of hope and it was us standing together in our unity in our community and saying we are going to win. We are going to take the polls. We're going to take our voices and our strengths and we're going to demonstrate to the oil industry that they have no place in our backyards in our democracy or in our future. It filled me with hope to be in that, in that space with those individuals to know that they are using their platforms to advocate for this, where, where the noise needs to be made, that they are willing to raise their fists in solidarity and to make, again, noise in this situation for our health, our safety, our environment, and to set a standard of what we should be prioritizing with our people in our states and in our nation.

Ariana Brocious: So this is not the first time California has seen a fossil fuel-backed effort to change the law. Here's Schwarzenegger with Jane Fonda talking about this most recent bill.

Arnold Schwarzenegger: But of course, this is kind of like, uh, a sequel because we have gone through this once before. You've done it. In 2010. Right. They tried to put an initiative together that says let's undo all the environmental laws in California and we beat them badly. So, I mean, this is going to be a repeat. It's literally a sequel.

Ariana Brocious: So what do you think when you hear former Governor Schwarzenegger saying so confidently that this initiative will be beaten and the law will be preserved?

Nalleli Cobo: It's something that fills you with hope because I have a dream where urban oil extraction and environmental racism aren't learned about through lived experience the way so many of us have had to learn and experience it, but it's learned about in history books and, and it's powerful to know that Former Governor Schwarzenegger also feels that, and it's it's a moment to know that we are on the right side of history, we are advocating for, for our basic human rights. And all of those moments that were so defining for so many, so many community activists that's coming up to now. This moment of us standing up for ourselves and raising our fists in the air and not taking no for an answer and saying, we deserve to open our windows in our home, our kids deserve to play outside, our elders deserve to not be diagnosed with asthma at the age of 80, or to have to learn to use inhalers and other forms of medication in the second language that is not their native tongue. You can see the finish line and the lights in the horizon, but we haven't crossed the finish line.

Ariana Brocious: You know, the big oil companies are hoping to appeal to consumers wallets by saying that the law will make gas prices go up. We're talking about California. It's an environmental leader. So how successful do you think that tactic will be?

Nalleli Cobo: I mean, it's something that definitely frightens people when you're already feel like

you're struggling to get to and from work with the gas prices, it frightens you to hear that this may be higher or that this may be a continuing reality, but the truth is that that's not the case. We wouldn't be paying the difference at the pump. It's another tactic that they're using to lie to us, to intimidate us, to continue to profit off of our health. And it's just us having to continue to raise awareness on these tactics. It's us raising education amongst each other on the fact that we will not be paying the difference at the pump, or we will not be having less oil for us because most, all the oil that we're drilling, we're exporting anyways.

Ariana Brocious: California Attorney General Rob Bonta has announced a lawsuit against five big oil companies for decades of allegedly misleading the public about the effects of burning fossil fuels on the climate. We have also seen the case where young people in Montana won their court case that regulators have to consider the effects of greenhouse gas emissions when they issue permits for fossil fuel development. What do you think about using the courts as a tool for climate justice?

Nalleli Cobo: I think it's an incredible tool that is being used because it's our democracy. It's our planet. It's our lives. It's our future. And to know that we are using every avenue possible to demand our justice, to demand environmental justice and climate justice. I think it's extreme, is extremely admirable. I remember when I would be the only youth in the room and to look around and see how many more youth are in the room is something that, Oh, I get so excited because it's, it's something that's so beautiful and so powerful. And it fills me with hope that our youth are stepping up and stepping into the world despite being told, this isn't for you, or you should leave this to the grownups, or you should be in school. I heard that countless of times. And my response always was, you're right. I should be in school, but you're not doing your job at defending me or my planet that I have to be here. And I think I'm, I'm continuously inspired by the amount of youth that are stepping up to local and federal government to demand their, their justice, their future and their rights to a thriving environment and to a clean and healthy environment. And again, it's, our youth are the change. We are the future doctors, future lawyers, future presidents, future, everything. And to know that we are taking our voices now and we are taking our stories now, despite our age, despite our education, is powerful.

Ariana Brocious: Yeah, and your story is a really powerful personal story. And I think we've seen more people using climate storytelling as, you know, kind of a tactic and trying to raise awareness. How do you think that effective storytellers can kind of compete, with the huge amounts of money fossil fuel companies can throw at messaging and PR campaigns and so forth.

Nalleli Cobo: I think storytelling is a very compelling form of activism that goes unnoticed. And I think it's one form of activism that helps us understand each other on another level. You know, it's less about statistics or data or huge scary numbers. It's about a person whose life was severely impacted by this. And that's a lot easier for someone to, to listen and to hear and to relate to, like when I share my story, it's easier for someone because they probably know someone who was nine years old, either their child or their niece or -

Ariana Brocious: They can connect.

Nalleli Cobo: And it connects and it's, it's a way to empathize with another and to connect on a deeper level and to say, well, I've had headaches. I can't imagine having a constant migraine. Or I have asthma, I can't imagine having to be in school and having to be taken out via ambulance and everyone like that situation with storytelling, it's, it's a very powerful tool that connects us is the perfect word. And it's, it's also a way of a storyline to show what we can do as individuals as a community as society. It's something that truly paints a beautiful story And that's something that, that always makes me very happy as well.

Ariana Brocious: 2024 is a big year for climate, as about half of the world has or will be voting on leaders this year, and climate is a big part of a lot of those decisions here in the U. S. Climate is one issue where Republicans and Democrats are pretty far apart. So the choices people make in November will be very important as to the window to address climate change and how that's closing. What would you tell voters as the election season draws closer?

Nalleli Cobo: I would definitely say, to continue to educate ourselves. We can't create change unless we know what is wrong. And that starts with education and researching our top elected officials from national federal level, all the way down to our local districts, because that's also the way to go. So important and educating ourselves on voting into office climate champions, people that haven't taken money from the fossil fuel industry, people that continuously prioritize the climate in their advocacy and their policymaking, whether they're pushing or delaying climate action, climate plans, climate procedures, This is such, like you mentioned, an all hands on deck election. Every vote matters, every person matters, every individual in and out of office is critical to our climate this election. And the most climate champions we can vote in, the better because we have one planet and we can't continue to destroy her and expect, continue to live on her. It affects everyone. There's a lot of issues we should all put our differences aside for, but this is definitely one of them.

Ariana Brocious: Yeah. Nalleli Cobo is a climate activist, 2022 Goldman Environmental Prize winner, and co-founder of People, Not Posos. Nalleli, thank you so much for coming back on Climate One.

Nalleli Cobo: Thank you so much for having me. It's always a joy and an honor.

Ariana Brocious: And that's our show. Thanks for listening. Talking about climate can be hard, and exciting and interesting — and it's critical to address the transitions we need to make in all parts of society. Please help us get people talking more about climate by giving us a rating or review. You can do it right now on your device. Or consider joining us on Patreon and supporting the show that way.

Greg Dalton: Brad Marshland is our senior producer; Our managing director is Jenny Park. Ariana Brocious is co-host, editor and producer. Austin Colón is producer and editor. Megan Bisciegia is producer and production manager. Wency Shaida is our development manager, Ben Testani is our communications manager. Jenny Lawton is consulting producer. Our theme music was composed by George Young. Gloria Duffy and Philip Yun are co-CEOs of The Commonwealth Club World Affairs, the nonprofit and nonpartisan forum where our program originates. I'm Greg Dalton.