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## **In Wake of WA Climate Rule Withdrawal, Youth Petitioners Return to Court**

*Ordered to Act With Urgency, Ecology Responds With More Delays*

SEATTLE – Today, the youth petitioners in a precedent-setting case over climate disruption in Washington state asked the court to step in yet again after the state Department of Ecology withdrew its proposed rule to reduce carbon emissions. By withdrawing the proposed rule, Ecology demonstrated it is unable or unwilling to fulfill its legal responsibilities absent a court order directing it to do so in a timely manner.

“This is incredibly devastating to us, because we spent a lot of time and energy working on our lawsuit, and it feels like no one cares at all about our futures,” said Wren Wagenbach, a youth petitioner in the case. “We are so frustrated that Ecology made the decision to withdraw the rule that Governor Inslee directed them to do! They know they have to move quickly, but they just can’t seem to get it done,” said youth petitioners Lara and Athena Fain.

In the youths’ case, Judge Hollis R. Hill determined the state has a “mandatory duty” to “preserve, protect, and enhance the air quality for the current and future generations.” The court held that Ecology was working toward fulfilling its constitutional and statutory responsibilities because it was developing the Clean Air Rule. With Ecology’s withdrawal of the proposed rule, the agency’s continued failure to protect the youths’ rights indefinitely is assured and its legal violations ongoing.

In her decision, Judge Hill declared “[the youths’] very survival depends upon the will of their elders to act now, decisively and unequivocally, to stem the tide of global warming...before doing so becomes first too costly and then too late.”

Judge Hill's message of urgency appears to have been lost on Gov. Inslee, who supports Ecology going back to the drawing board. A spokesperson said the Governor would “rather see the rule done right than done quickly,” but agency documents show Ecology was investigating the viability of a cap-and-trade program (under development in the withdrawn Clean Air Rule) [back in December 2008](#). The plan was never put into place and its existence belies Ecology’s claims that they have not had enough time to develop a workable rule. Court documents show that Ecology has recognized the need for climate action for over 26 years.

“In our case, Ecology promised the court that it would issue a rule regulating carbon dioxide emissions and Ecology has broken that promise by going back to the drawing board this late in the game,” said Andrea Rodgers, the Western Environmental Law Center attorney who represents the youths. “Ecology’s decision makes it clear that the judicial branch needs to step in to protect these kids’ rights since Ecology has so spectacularly failed to do so yet again.”

While the youth petitioners had serious concerns about the content of the proposed rule since it was not targeted to achieving science-based emissions reductions, Ecology's decision to start over makes it even more difficult to develop a rule that puts the state on a path towards climate stability.

"Ecology's withdrawal of the proposed rule confirms how critical it is for judges to implement their authority in a manner that holds agencies accountable for violating these kids' fundamental rights" said Julia Olson, executive director of Our Children's Trust. "Ecology's promise to issue a new rule is meaningless given their track record of failing to take action to address climate change. Continued delay only perpetuates the legal violations recognized by Judge Hill and makes a livable future for these kids that more difficult to achieve."

"Ecology's decision to stop their rule making has wasted copious amounts of time, has betrayed the trust of the youth, and continues to violate our constitutional rights," said Aji Piper, one of the youth petitioners. "Unless Ecology issues a rule that follows the science, doesn't rely upon poor solutions, and doesn't bend to the will of money, generations to come will face hardships and troubles brought about by the inaction of people that have power now. We shouldn't have to hold our government's feet to the fire in order to protect our futures, but we will if we have to."

"As representatives of future generations, we were very disappointed to hear of Ecology's decision to once more delay taking strong action to address climate change and protect our constitutional rights to clean air and water," said Gabriel Mandell, another youth petitioner. "We hope that the court will step in to make sure that Ecology issues a rule that does not ignore the fundamental need to make effective economy-wide cuts to carbon emissions without caving to the demands of polluters."

The Washington youth filed their motion for relief the same week youth in [Colorado](#) filed a notice of appeal in their climate case and youth in [Pakistan](#) filed a constitutional climate lawsuit. Our Children's Trust is working in partnership with youth around the world to evaluate their voices and provide them with legal and scientific support. This youth climate legal movement is growing.

A copy of the motion for relief is available [here](#).

A copy of the November 19th decision is available [here](#).

A more detailed history of the case is available [here](#).

**Our Children's Trust** is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to levels below 350 ppm. [www.ourchildrenstrust.org/](http://www.ourchildrenstrust.org/)

**The Western Environmental Law Center** is a public interest nonprofit law firm. WELC combines legal skills with sound conservation biology and environmental science to address major environmental issues throughout the West. WELC does not charge clients and partners for services, but relies instead on charitable gifts from individuals, families, and foundations to accomplish its mission. [www.westernlaw.org](http://www.westernlaw.org)

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