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Youth Climate Advocates Secure Victory in Massachusetts Climate Change Lawsuit

**Massachusetts Supreme Judicial Court Rejects DEP's arguments,
finds that existing schemes "fall short",
and orders annual reductions in greenhouse gases**

Today, the [Massachusetts Supreme Judicial Court found in favor of four youth plaintiffs](#), all supported by Our Children's Trust, the Conservation Law Foundation, and Mass Energy Consumers Alliance, in the critical climate change case, *Kain et al. v. Massachusetts Department of Environmental Protection*. The Court found that the DEP was not complying with its legal obligation to reduce the State's GHG emissions and ordered the agency to "promulgate regulations that address multiple sources or categories of sources of greenhouse gas emissions, impose a limit on emissions that may be released . . . and set limits that decline on an annual basis."

"This is an historic victory for young generations advocating for changes to be made by government. The global climate change crisis is a threat to the well being of humanity, and to my generation, that has been ignored for too long," said Youth Plaintiff Shamus Miller, age 17. "Today, the Massachusetts Supreme Court has recognized the scope and urgency of that threat and acknowledges the need for immediate action to help slow the progression of climate change. There is much more to be done both nationally and internationally but this victory is a step in the right direction and I hope that future efforts have similar success."

In 2012, hundreds of youth petitioned the DEP asking the agency to comply with the Global Warming Solutions Act (GWSA) and adopt rules reducing the State's GHG emissions, but that petition was denied. As a result of DEP's reluctance to comply with the GWSA, youth filed this case arguing that the DEP failed to promulgate the regulations required by Section 3(d) of the GWSA establishing declining annual levels of greenhouse gas emissions. Massachusetts is not on track to meet its 2020 greenhouse gas reduction goal of 25% below 1990 levels – a fact that is directly related to DEP's failure to issue the required regulations. The plaintiffs are working to ensure that Massachusetts is complying with the law and doing everything necessary to protect their constitutional and public trust rights to clean air, a healthy atmosphere, and a stable climate system.

"In agreeing with the youth plaintiffs in this case, the Massachusetts Supreme Judicial Court joins growing global judicial recognition of youth's rights to demand that their governments act in accordance with the urgency of the climate change crisis," said Julia Olson, executive director and chief legal counsel at [Our Children's Trust](#). "Youth around the country and internationally are bringing their governments to court to secure their rights to a healthy atmosphere and stable climate. Today, the Massachusetts Supreme Judicial Court called Massachusetts to task and underscored the need to take significant action now, so youth are not unfairly consigned to a disproportionately bleak future should we fail to address the most important and time

sensitive issue of our time.” This win follows two other recent landmark wins in youth-led [lawsuits against the federal government](#) and the [State of Washington](#).

The lawsuit was filed with the help of [Our Children’s Trust](#), an Oregon-based non-profit orchestrating a game-changing, youth-driven legal campaign in the United States and around the globe. Related cases brought by youth to protect the atmosphere are pending before other U.S. courts in the federal district court in Oregon, and in the state courts of Pennsylvania, Colorado, Washington, and Oregon, as well as in several other countries. The youth plaintiffs in Massachusetts are represented by attorneys Dylan Sanders and Phelps Turner at Sugarman, Rogers, Barshak & Cohen, P.C. in Boston.

***Our Children's Trust** is a nonprofit organization advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose if emissions are not reduced. OCT is spearheading the international human rights and environmental TRUST Campaign to compel governments to safeguard the atmosphere as a "public trust" resource. We use law, film, and media to elevate their compelling voices. Our ultimate goal is for governments to adopt and implement enforceable science-based Climate Recovery Plans with annual emissions reductions to return to an atmospheric carbon dioxide concentration of 350 ppm. www.ourchildrenstrust.org*

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