



**FOR IMMEDIATE RELEASE**

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## **Pennsylvania Environmental Quality Board to Decide Fate of Youth's Climate Change Petition**

Harrisburg, Pennsylvania – On Friday, 20-year-old Ashley Funk's attorney, Kenneth Kristl from Widener Environmental and Natural Resources Law Clinic, submitted [comments](#) in response to the Pennsylvania Department of Environmental Protection's (DEP) [Report](#) on Ashley's climate change petition.

Ashley, a Mount Pleasant, Pennsylvania native, filed her revised petition last September to the Pennsylvania Environmental Quality Board (EQB) and the Pennsylvania DEP to strictly limit and regulate fossil fuel CO<sub>2</sub> emissions, and to establish an emissions reduction strategy that will achieve safe atmospheric concentrations of CO<sub>2</sub> by 2100. Now, Ashley's comments, and the DEP Report filed last month, will go to the EQB for review. The EQB will decide whether to proceed with rulemaking or deny Ashley's petition, and has tentatively scheduled to consider the petition at its July 15, 2014 meeting.

Ashley's petition relies on Article I, Section 27 of the Pennsylvania Constitution, also known as the "Environmental Rights Amendment", which states:

*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people*

The legal driver for Ashley's petition is that the Pennsylvania Commonwealth has public trust responsibilities enshrined in Article I, Section 27 of the State's Constitution, and the issue at hand is whether and to what extent the State is meeting its constitutional responsibilities imposed by Article I, Section 27.

The comments Ashley's attorney submitted state:

*...DEP's April 15 Report reads as if this constitutional guarantee does not exist... As the Pennsylvania Supreme Court make clear in Robinson Township v. Commonwealth, Article I, Section 27's requirement to "conserve and maintain" the state's natural resources imposes twin obligations upon the Commonwealth – and DEP as its agent – as*

*public trustee. The first is the negative duty “to refrain from permitting or encouraging the degradation, diminution, or depletion of public natural resources...” The second is the positive duty “to act affirmatively to protect the environment” via legislative or regulatory action.*

Ashley has asked the State of Pennsylvania to adopt a carbon dioxide emissions reductions plan that is consistent with the best available science described by Dr. James Hansen, the nation’s top climatologist, in his most recent [paper](#). Such a plan would reduce state-wide fossil fuel carbon dioxide emissions by at least 6% annually until at least 2050, and expand Pennsylvania’s capacity for carbon sequestration through forest and soil protection, among other methods.

“The Constitution of the state I call home gives me hope that we will be able to protect our atmosphere for my generation and future generations,” said Ashley Funk. “The Environmental Rights Amendment calls upon the Commonwealth to be a trustee of the natural resources we all depend upon. Yet, in order to be the trustee my generation needs, the state must take more serious action to address climate change within Pennsylvania. With that, I hope that the EQB rejects the recommendation made by the DEP and rules in favor of my petition.”

Ashley’s petition was filed with the help of [Our Children’s Trust](#), an Oregon-based nonprofit orchestrating a global game-changing, youth driven legal campaign. The legal effort advances the fundamental duty of government today: to address the climate crisis based on scientific baselines and benchmarks, and to do so within timeframes determined by scientific analysis.

Ashley shares her personal story with climate change in [TRUST Pennsylvania](#), available here: <http://ourchildrenstrust.org/video/368/trust-pennsylvania>

***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/](http://www.ourchildrenstrust.org/)*

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