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Texas Youth Fight For Their Right To A Healthy Atmosphere

Youth Plaintiffs Hear Their Climate Change Lawsuit Argued Before The Third Court Of Appeals in Austin

Austin, Texas – Today, a landmark climate change lawsuit filed by three Texas youth, was heard before the Third Court of Appeals in Austin. The youth filed the lawsuit in July 2011 against the Texas Commission on Environmental Quality (TCEQ), seeking judicial review of TCEQ's denial of their climate change petition for rulemaking. The rulemaking petition asked TCEQ to promulgate rules to reduce statewide carbon dioxide (CO₂) emissions from fossil fuels consistent with what current scientific analysis deems necessary to avoid catastrophic climate change.

It's now up to the Third Court of Appeals to decide whether the youth plaintiffs had the right to take their case to court in the first place and whether the court, not TCEQ, is the proper government body to interpret the law and the legal obligations and authorities of TCEQ. However, at oral argument, the Court of Appeals questioned the TCEQ on how it was harmed by the district court's ruling and whether it had the right to even bring the appeal at all.

After oral argument Adam Abram, youth plaintiffs' attorney, reflected, "It's a sad day in Texas when you have the government working so hard to wipe from the books the proposition that the air and atmosphere belong to the public."

In August 2012, the district court issued an historic final judgment finding that *all* natural resources, including the atmosphere, are protected under the Public Trust Doctrine and the Texas Constitution. While the district court deferred to the TCEQ decision to deny the plaintiffs' petition for rulemaking while other ongoing litigation over greenhouse gas regulation ensues, the judge concluded that that TCEQ's determination that the public trust doctrine is exclusively limited to the conservation of water, was legally invalid.

TCEQ appealed the decision and argued that its decision was not reviewable in court the district court did not have jurisdiction to hear the youth plaintiffs' claims. The youth, and their opposition to TCEQ's appeal, are supported by an *amicus curiae* ("friend of the court") brief from Texas political leaders and many conservation and social justice organizations. TCEQ was supported by an *amicus curiae* brief from the oil industry.

Texas is already experiencing the full gamut of early climate change impacts including drought, water shortages, agricultural losses, wildfires, sea-level rise, flooding, and severe storms, all of which will worsen as temperatures rise.

The Texas youth plaintiffs' lawsuit is part of one of the most remarkable legal strategies on climate crisis to date. As part of the global TRUST Campaign, youth have filed legal actions in all 50 states and against the federal government to compel reductions of CO₂ emissions that will be meaningful to their future.

“We have laws against littering, and it isn't even close to the threat climate change is. It just seems crazy that we don't have laws against pollution, which is littering, in our atmosphere”, said youth plaintiff, Eamon Umphress.

***Our Children's Trust** is a nonprofit advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose. 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 350 ppm. www.OurChildrensTrust.org/*

***Texas Environmental Law Center** was created to advocate against environmental degradation, promote sustainability, and encourage the use of sound science in making environmental decisions. <http://www.texaselc.org/>*

***iMatter Campaign** is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a sustainable and just world. We are teens and moms and young activists committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters. www.imatteryouth.org/*

***WITNESS** is the global pioneer in the use of video to promote human rights. We empower people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. To view Stories of TRUST: Calling for Climate Recovery told by our youth plaintiffs, go to www.witness.org/campaigns/all-campaigns/imatter*

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