



**FOR IMMEDIATE RELEASE:
June 13, 2013**

Contact: Robert Eye, 785-234-4040, bob@kauffmaneye.com
Julia Olson, 415-786-4825, julia@ourchildrenstrust.org

Kansas Teenager Pledges to Petition Department of Health and Environment for Climate Change Regulations After Court Tells Her to Go to Agency

Topeka, KS – After having her lawsuit dismissed, Samantha Farb plans to formally petition the Kansas Department of Health and Environment (KDHE) to make rules requiring statewide reductions in CO₂ emissions consistent with what current scientific analysis deems necessary to protect the lives and property of citizens, including future generations. The 14-year-old from Lecompton filed a lawsuit against the State of Kansas last October alleging that the State has an obligation to protect the atmosphere under the Public Trust Doctrine.

Last week, Shawnee County, Kansas District Court Judge Rebecca Crotty issued an opinion dismissing the lawsuit, stating that Samantha had to first petition KDHE to make the CO₂ emissions reductions before she could bring suit. So Samantha is planning to do just that, and file a petition for rulemaking with KDHE to issue regulations that would reduce CO₂ emissions. If the agency denies the petition, Samantha can then file a lawsuit for judicial review of the denial.

“Climate change is a threat to my future, and my government has a responsibility to protect crucial natural resources, including the atmosphere, for future generations,” said Samantha. “I hope KDHE will seriously consider our new petition for rulemaking.”

Samantha’s Atmospheric Trust Litigation case is part of the TRUST Campaign. In May 2011, youth plaintiffs began filing legal actions across the country to compel reductions of CO₂ emissions that will help restore the health of essential natural resources threatened by the climate crisis. The legal actions rely upon the long established legal principle of the Public Trust Doctrine that requires all branches of government to protect and maintain certain shared resources fundamental for human health and survival. Kansas has already recognized that state waterways must be protected for the benefit of its citizens and Samantha’s lawsuit argued that the atmosphere is inextricably connected to state waters and the health of other trust resources.

As part of the TRUST Campaign, members of Kids vs Global Warming formally petitioned KDHE in May 2011 to promulgate rules to reduce CO₂ emissions. KDHE Secretary Robert Moser denied the petition, stating that “such a rule would exceed the scope of authority the Kansas legislature has granted to me [in the Kansas Air Quality Act].”

Samantha's attorney, Robert Eye, hopes that Samantha's petition will prompt KDHE to reevaluate its statutory authority. "If the petition is denied it won't be because KDHE lacks legal authority to take action," he said. "The Kansas Air Quality Act and the Public Trust Doctrine empower the Secretary to recognize that CO2 emissions must be reduced and take actions to do so."

***Our Children's Trust** is a nonprofit focused on protecting earth's natural systems for current and future generations. We are supporting youth in the coordinated Atmospheric Trust Litigation effort. We are here to empower youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children—and their children's children. www.ourchildrenstrust.org/*

***iMatter** 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. Using multiple platforms at the local, state, and national level, we are 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.imattermarch.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. In partnership with the TRUST Campaign we seek to bring visibility to the challenges our youth already face because of the changing climate and call for a massive assault on fossil fuel emissions. Without an all-out assault, effects will range from drought to disease; from food shortages to tainted water supplies; from the loss of homes due to floods, erosion and fire to massive relocations. The human rights challenge is most succinctly summarized by Mary Robinson, "Climate change will, in short, have immense human consequences." WITNESS partnered on this campaign in hopes that predictions will not become realities. To view the stories from our youth included in the TRUST Series go to www.witness.org/campaigns/all-campaigns/imatter or www.ourchildrenstrust.org/trust-films.*

###