



FOR IMMEDIATE RELEASE

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Texas Supports Youth in Climate Change Lawsuit

Texas Legislator, Former TCEQ Commissioner, Legal Scholar, Texas League of Conservation Voters-EF, Sierra Club, Public Citizen, Air Alliance, Sustainable Energy and Economic Development Coalition, Environment Texas, Texas Campaign for the Environment, Texas Drought Project, Planet H.E.A.L., and Texas Black Bass Unlimited Filed an Amicus Curiae Brief in Support of Texas Youth

Austin, Texas – Today Texas showed its broad-base support of young plaintiffs taking legal action on climate change. Texas political leaders and conservation and social justice organizations filed an amicus curiae (“friend of the court”) brief in support of the plaintiffs and to ask the Texas Court of Appeals to uphold the legislature’s express intent to give Texans the right of judicial review over decisions by the Texas Commission on Environmental Quality (TCEQ). Late last month, the youth plaintiffs filed a brief in response to the TCEQ’s argument that the district court did not have jurisdiction to hear their claims in a climate change lawsuit filed in 2011. TCEQ is attempting to overturn Judge Triana’s decision holding that the atmosphere is a public trust resource under the State Constitution.

The lawsuit is part of the TRUST Campaign, which supports youth legal actions in all 50 states, the District of Columbia, and against the federal government to compel reductions of CO₂ emissions that will counter the negative impacts of climate change. The case relies upon the long established principle of the public trust doctrine, which requires all branches of government to protect and maintain certain shared resources fundamental for human health and survival.

The amici represent a broad group of Texans who have substantial and varied interests in protecting public resources from climate change. Former TCEQ Commissioner, Larry Soward, is standing behind the youth plaintiffs and asking the State of Texas to take action on climate change, before it’s too late.

“The Texas Constitution expressly declares the policy of the State that protection of all our natural resources is a ‘public right and duty,’ and unquestionably protecting the quality of our air falls within that declaration,” said Soward. “The trial court in this case simply stated what is required by our state Constitution.”

Amici’s brief cites to an emergency disaster proclamation issued by Governor Rick Perry on March 22, 2013, in which he states, “exceptional drought conditions pose a threat of imminent disaster for [183] counties in the State of Texas.” The proclamation also states that, “record high temperatures, preceded by significantly low rainfall, have resulted in declining reservoir and aquifer levels, threatening water supplies and delivery systems in many parts of the state,” that “prolonged dry conditions continue to

increase the threat of wildfire across many portions of the state,” and “these drought conditions have reached historic levels and continue to pose an imminent threat to public health, property and the economy.”

State Representative Lon Burnam also joined the brief to support the Texas youth in their fight for a healthy climate. “For over a decade I’ve worked to protect our children and their future,” said Burnam. “Not standing up to climate change undermines everything we are working towards. We have the duty and the ability here in Texas to tackle climate change head-on, transition away from fossil fuels, and protect the livelihood of future generations.”

The youth are simply asking Texas to do its part and reduce the state’s carbon dioxide emissions by six percent each year or risk climate tipping points beyond which there is no return. And when the TCEQ fails to do its job, the youth argue that they have a clear right of judicial review, to protect their climate system and the Texas way of life. Whether the Court of Appeals agrees with the youth will have far-reaching impacts on the public’s ability to challenge decisions by the TCEQ in the future.

The amici are represented by Lowerre, Frederick, Perales, Allmon & Rockwell, a law firm dedicated to the practice of environmental law in Texas.

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/

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.imattercampaign.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 iMatter 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.

Lowerre, Frederick, Perales, Allmon & Rockwell is a Texas law firm dedicated to the practice of environmental law. The firm represents plaintiffs and protesting parties with environmental concerns related to solid waste, water and air pollution, endangered species protection, land use protection, and other similar environmental issues. We help clients protect their surroundings and wildlife and advocate for a healthy environment.

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