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Kansas Youth Files Climate Change Lawsuit

Topeka, KS – Samantha Farb, a 14 year-old from Lecompton, filed a [lawsuit](#) today in the District Court of Shawnee County on the issue of whether the State of Kansas has an obligation to protect the atmosphere under the Public Trust Doctrine. Samantha filed the case to prevent further increases in Kansas carbon dioxide emissions (CO₂) and to require the State to reduce CO₂ emissions consistent with what current scientific analysis deems necessary to protect the lives and property of citizens, including future generations.

Samantha's is the newest Atmospheric Trust Litigation (ATL) case to be filed in the United States. In May 2011, as part of the TRUST Campaign, 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 lawsuits 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 argues that the atmosphere is inextricably connected to state waters and the health of other trust resources.

"Dealing with global warming requires all hands on deck," said Bob Eye, Samantha's attorney. "This lawsuit argues that the State of Kansas is obligated under the public trust doctrine to take steps to reduce carbon dioxide emissions to a level that will eventually mitigate the effects of global warming. Applying the public trust doctrine to protect atmospheric resources is no different than using it to protect water resources. This is a forward-looking case and it is appropriate that the plaintiff is a high school student. Samantha Farb's generation, as well as those that follow, will be faced with the catastrophic impacts of global warming if we do not act soon to deal with the pollutants that cause the problem. We think the public trust doctrine is a recognized means to compel government officials to do their duty to protect atmospheric resources and the public's interests."

Agricultural production in Kansas has seen record lows this year. Western Kansas is in its second year of severe drought, and corn growers in the state have planted the fewest acres in three years. Climate change is pushing corn-growing regions north, leaving Kansans no choice but to turn to less water hungry crops, such as wheat. To combat the negative

effects climate change has on the state's economy and agricultural production, Kansas must reduce CO₂ emissions or risk continued crop failures and the resulting economic downturns. Each year Kansas delays making the necessary reductions and transition to renewable energy sources makes it harder to protect the climate system and the Kansas way of life.

"I live in an agricultural area," said Samantha, "I've noticed how climate change is affecting crops, and I can see how it's affecting the garden in my backyard. I'm filing this lawsuit to demand that my state take the necessary steps to combat climate to protect our way of life and preserve the state's resources for future generations."

To protect the natural systems on which humans depend, the best available science shows that average global surface heating must not exceed 1.8° Fahrenheit and concentrations of atmospheric CO₂ must decline to 350 ppm this century. We are currently at 393 ppm. To accomplish this reduction, Dr. James Hansen and other renowned scientists conclude that CO₂ emissions need to decline by 6% each year starting in 2013. Samantha's lawsuit seeks a climate recovery plan that would allow Kansas to reduce CO₂ emissions consistent with these levels. Dr. Hansen's recent paper is available here:

<http://ourchildrenstrust.org/sites/default/files/Hansen%20et%20al%202.16.12.pdf>

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.

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