



## FOR IMMEDIATE RELEASE

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For inquiries or interview requests, please contact:

Julia Olson, Our Children's Trust, 415-786-4825, [julia@ourchildrenstrust.org](mailto:julia@ourchildrenstrust.org)

Adam Abrams, Texas Environmental Law Center, 713-444-2252, [adamrabrams@gmail.com](mailto:adamrabrams@gmail.com)

## Texas Court Recognizes the Atmosphere as a Public Trust Resource in Climate Change Lawsuit

Austin, TX – Yesterday, Judge Gisela Triana issued a written decision finding that all natural resources are protected under the public trust doctrine and the state constitution of Texas in a climate change lawsuit brought by youth (*Angela Bonser-Lain, et al. v Texas Commission on Environmental Quality*, Case No. D-1-GN-11-002194). In deferring to the Texas Commission on Environmental Quality's (TCEQ), decision to deny the Plaintiffs' petition for rulemaking while other ongoing litigation over regulations ensues, the Judge concluded that the TCEQ's determination that the public trust doctrine is exclusively limited to the conservation of water, was legally invalid. The three Texas youth sought judicial review in a lawsuit against the TCEQ for rejecting Plaintiffs' proposed rule that would require reductions in statewide carbon dioxide (CO<sub>2</sub>) emissions from fossil fuels consistent with what current scientific analysis deems necessary to avoid catastrophic climate change.

"This is a blockbuster move for a Texas judge to take the position that all natural resources should be protected under the public trust doctrine. This may well be one of those judicial actions like *Brown v. Board of Education* that future generations will look to as a turning point for our planet. I am grateful to Judge Triana on behalf of my children and all future generations," said Brigid Shea, mother of plaintiff, Eamon Brennan Umphress.

On July 21, 2011, Adam Abrams with the Texas Environmental Law Center, on behalf of the young plaintiffs, filed a lawsuit against the TCEQ in state court, seeking judicial review of the TCEQ denial of the plaintiffs' petition for rulemaking. The lawsuit is part of legal action in 49 states, the District of Columbia, and against the federal government on behalf of youth to compel reductions of CO<sub>2</sub> 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.

In her written decision, Judge Triana declares, "The Court will find that the Commission's conclusion, that the public trust doctrine is exclusively limited to the conservation of water, is legally invalid. The doctrine includes all natural resources of the State." This decision comes just two weeks after the D.C. Circuit Court of Appeals ruled against the State of Texas to uphold the EPA's rulemakings regulating greenhouse gases.

"I respect and applaud the Judge's decision that came down yesterday. On the heels of last summer's drought and wildfires in Texas, and in the midst of the hottest summer in our country's history, it is my hope that the court's clear acknowledgement that the public trust doctrine encompasses all natural

resources, including the atmosphere, will alter how we think and plan for our future,” said plaintiffs’ attorney Adam Abrams, “For the benefit of a healthy planet and for future generations, the finger pointing and pushing of political agendas needs to give way to innovative solutions and effective government action that address the threats we all face from climate change. Simply, it’s time for our leaders to protect the public trust.”

***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/>*

***Our Children's Trust** is a nonprofit focused on protecting earth’s natural systems for current and future generations. We are here to empower and support 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/](http://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/](http://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](http://www.witness.org/campaigns/all-campaigns/imatter) or [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org).*

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