



**FOR IMMEDIATE RELEASE:
May 16, 2013**

For inquiries or interview requests, please contact:
Kenneth Kristl, 302-477-2053, ktkristl@widener.edu
Julia Olson, 415-786-4825, julia@ourchildrenstrust.org

Pennsylvania Youth's Climate Change Lawsuit Moves Forward

Philadelphia, Pennsylvania – Today, 19-year-old Ashley Funk's climate change lawsuit was argued by her attorney, Ken Kristl, in the Commonwealth Court of Pennsylvania, moving the young Mount Pleasant native's case one more step toward resolution. Last December, Ashley filed the lawsuit against the Commonwealth of Pennsylvania Department of Environmental Protection (DEP) on the issue of whether the DEP has a constitutional obligation to protect the atmosphere and other natural resources of the state, even if the U.S. Environmental Protection Agency has not acted to regulate carbon dioxide (CO₂) emissions. The Commonwealth Court will be deciding on the appropriate forum for moving the case forward.

Ashley's was the newest Atmospheric Trust Litigation (ATL) case to be filed in the United States, making it the 14th case in the United States, along with two international suits and dozens of administrative actions in every other state in the country, all on behalf of young people pleading for their rights. Last October, as part of the TRUST Campaign, a national youth-led effort, Ashley filed her third petition for rulemaking in an attempt to get the state to issue rules on carbon emissions and reporting. But, after reading the latest rejection of her petition, Ashley decided to challenge the bases for the DEP's refusal to forward the petition to Pennsylvania's Environmental Quality Board, asking the Court to rule that Pennsylvania must live up to its constitutional duty to protect the public's right to a healthy atmosphere and a stable climate. Pennsylvania is the fourth largest emitter of greenhouse gases in the nation, and Ashley is determined to change that.

To make her case, Ashley's petition to the court relies on Section 27 of the Pennsylvania Constitution, which states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

"This case—and the regulation that Ashley has fought so hard to put in place—has the potential to affect everyone in this state," said Ken Kristl, lead counsel in the case and Associate Professor of Law and the Widener University School of Law. "At today's hearing on the Commonwealth's

Preliminary Objections, the Court heard argument on whether it or the Environmental Hearing Board is the appropriate forum to hear Ashley's challenge. The Court appears to recognize the significance of a young person bringing this case forward and the importance of the constitutional issues at the center of the decision."

Ashley is asking the state of Pennsylvania to adopt a carbon dioxide emissions reduction plan that is consistent with the best available science described by Dr. James Hansen - the nation's top climatologist - in his most recent paper. Such a plan would reduce state-wide fossil fuel carbon dioxide emissions by at least **6% annually until at least 2050**, and expand Pennsylvania's capacity for carbon sequestration through forest and soil protection, among other methods.

Ashley had hoped to be in the courtroom today, but was just returning from her first year at Wellesley College in Massachusetts. Next month, Ashley plans to join Dr. Hansen on his farm in Kintnersville, Pennsylvania during the filming of the 10th film in the series [*Stories of TRUST: Calling for Climate Recovery*](#). Ashley shares her personal story with climate change in [*TRUST Pennsylvania*](#), available here: <http://ourchildrenstrust.org/video/368/trust-pennsylvania>.

Ashley is represented by Kenneth Kristl and Claire Gargiulo of Widener University School of Law Environmental Law Clinic, James May of Widener University School of Law, and Jay Duffy of the Clean Air Council.

***Clean Air Council** ("Council") is a member-supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws. Founded in 1967, the Council has now grown to approximately 7,000 members.*

***Our Children's Trust** is a nonprofit organization advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose if emissions are not reduced. 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 an atmospheric carbon dioxide concentration of 350 ppm. 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. 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.*

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