

MICHAEL L. PISAURO, JR. LLC

MICHAEL L. PISAURO, JR.*

21 ROUTE 31N, SUITE B5
PENNINGTON, NJ 08534

609-919-9500

*Admitted to NJ and PA Bars

609-919-9510 (FAX)

WWW.PISAUROLAW.COM

BLOGS:
Greenpages-NJ.com
NJBusinesswise.com

May 6, 2011

Commissioner Robert Martin
New Jersey Department of Environmental Protection
401 E. State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-402

RE: Notice of Intention to Commence Action Pursuant to the Environmental Rights Act Regarding the State's failure to comply with the Global Warming Response Act and Public Trust Obligations

Dear Commissioner Martin:

Please accept this letter on behalf of my client, Kids v. Global Warming. We believe that the State of New Jersey and the Department of Environmental Protection has violated the Global Warming Response Act, P.L. 2007 Ch. 112 and in particular Sections 6c, and 7a. The Department has not prepared the necessary report recommending measures to reduce greenhouse gas emissions to achieve the 2050 limits. This report was due no later than June 30, 2010. The Department has failed to provide a report on the status of greenhouse gas emission monitoring, the current level of greenhouse gas emissions and the State's progress in meeting the State's 2020 and 2050 goals. These reports were due on January 1, 2009 and January 1, 2011.

Climate Change is a threat to the environmental, economic and welfare of the State of New Jersey and its people. If the State does not act the results of climate change will be catastrophic. New Jersey has seen and continues to see the impacts of climate change. It is New Jersey's obligation to protect the natural resources held by it in trust for the people of New Jersey.

New Jersey's failure to comply with the Global Warming Response Act and to fully and aggressively pursue all available avenues to address climate change is a violation of the public trust. Additionally, under New Jersey's Air Pollution Control Act, greenhouse gases are a pollutant as they are an air contaminant that are and tend to be injurious to human health, welfare, animal or plant life, or property and will unreasonable interfere with the enjoyment of life or property throughout the state.
NJSA 26:2C-2

The failure to the State and the Department to take action to prevent and minimize greenhouse gas pollution and the impairment or destruction of the environment is a violation of the State's obligations. Therefore, under the Environmental Rights Act, NJSA 2A:35A-1 et sq. any person is entitled to commence a civil action against any person, including governmental entity or agency, to enforce the State's environmental laws and obligations.

I look forward to the State's prompt action to remedy this issue.

Respectfully submitted,

Michael L. Pisauero, Jr.

cc: Paula T. Dow, Attorney General