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## **Pennsylvania Court Disregards Constitutional Obligation to Protect Natural Resources for Present and Future Generations**

*Seven young climate activists are poised for strong appeal of court's decision*

Harrisburg, Pennsylvania – Yesterday, the Commonwealth Court of Pennsylvania [dismissed](#) the constitutional climate change [lawsuit](#) brought by seven young plaintiffs. The court found that the plaintiffs had standing to bring their case because climate change was a substantial, direct, and immediate threat to them. However, the court declined to follow Pennsylvania Supreme Court precedent that determined that Pennsylvania's constitutional Environmental Rights Amendment imposes an affirmative duty on the Commonwealth to “conserve and maintain” Pennsylvania's public natural resources for both present and future generations.

The plaintiffs brought the lawsuit against Governor Tom Wolf and six state agencies, including the Department of Environmental Protection and the Pennsylvania Environmental Quality Board. This case is one of several similar state, federal, and global cases, all supported by the nonprofit Our Children's Trust, and all seeking the legal right to a healthy atmosphere and stable climate. In this case, the youth are seeking to protect their constitutional rights to clean air, pure water, and other essential natural resources that their lives depend upon, but that are currently threatened by climate change. Their complaint states that government defendants are failing to fulfill their constitutional obligations by failing to adequately regulate CO<sub>2</sub> emissions.

“We are disappointed with the court's decision,” said plaintiffs' attorney, Kenneth Kristl. “We believe the Commonwealth Court failed to consider and apply correctly the Pennsylvania Supreme Court's *Robinson Township* decision and the new contours for Article I, Section 27 that it carved out. We are optimistic that the Supreme Court's consideration of this matter on appeal will lead to a different result.”

“After arguing our position on June 6th, my fellow plaintiffs and I really believed that the court would rule in favor of our lawsuit - and our generation - by allowing our case to proceed,” said plaintiff and recent Wellesley College graduate, Ashley Funk. “With recent victories in [Juliana, et al. v. United States of America, et al.](#) and a similar [lawsuit](#) in the state of Washington, we had hope that Pennsylvania would follow suit. I am disappointed in the court's decision to uphold the preliminary objections. But I know that our case is grounded in our rights to a livable climate, and so we will continue pushing this case until Pennsylvania takes adequate and measurable action to address climate change.”

“In our constitutional democracy, the judicial branch is meant to protect citizens' inalienable rights and to act as a check on the political branches of government. But what we're seeing here, is the court essentially

saying that it won't interfere if the political branches want to sit idly by while the climate crisis harms the plaintiffs' health and degrades the natural resources that they rely on for their wellbeing and survival. Such a result is contrary to the constitutional public trust rights of these youth plaintiffs," said Nate Bellinger, staff attorney and state program manager at Our Children's Trust.

The suit was filed by the Environmental & Natural Resources Law Clinic, at Widener University Delaware Law School, with Associate Professor of Law and Clinic Director Kenneth T. Kristl as lead counsel. Ashley Funk, one of the seven plaintiffs, was recently featured on *Heat of The Moment*, WBEZ Chicago's long-term project about climate change. Listen to her share her story about growing up in coal country [here](#).

***Our Children's Trust** is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to levels below 350 ppm.*

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