



For Immediate Release:
Sept. 16, 2016

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Inslee Administration Finalizes Feckless Clean Air Rule

Seattle – Yesterday afternoon at a media-only event excluding the general public, the Inslee administration released a final Clean Air Rule that legalizes dangerous levels of greenhouse gas emissions in Washington state. In spite of overwhelming public support for science-based emissions reductions, the Department of Ecology (Ecology) rule would result in greenhouse gas emission reductions of only 1.7 percent when climate scientists today agree an 8 percent annual reduction is necessary to stabilize the climate.

This action defies two [court orders](#) issued by King County Superior Court Judge Hollis R. Hill, which recognized that Ecology has a mandatory duty to "preserve, protect and enhance the air quality for the current and future generations" and to protect the fundamental, constitutional rights of Washingtonians to a healthful and pleasant atmosphere.

Ecology's rule is largely unchanged from its proposed form, with the agency disregarding the recommendations of climate scientists provided by the youth petitioners and supported by the vast majority of commenters. Ecology also refused repeated meeting requests from the youths and their attorney.

"Ecology's new rule fails us children in every possible way," said Gabe Mandell, a youth petitioner in the case. "It ignores the judge's ruling that we have the right to a healthful and pleasant atmosphere. Talking about the dire consequences of climate change, yet planning to let big polluters off the hook shows real disrespect for my generation and generations to come."

"We are pleased Ecology has finally admitted that legally it *can* require more stringent emission reductions than the outdated requirements set by the legislature in 2008," said Andrea Rodgers, the Western Environmental Law Center attorney representing the youths in their lawsuit against the state. "The court in our case recognized that Ecology has the legal tools it needs to develop a science-based rule that protects air quality for present and future generations. Now it is clear that the only thing holding Ecology back is political will. Fortunately we have the judicial branch to hold the governor and his agency accountable."

Loopholes in the proposed rule may actually foster an increase in greenhouse gas emissions in the state. For example, one-third of in-state emissions are not even covered under the proposed rule. Also, Washington polluters may obtain credit for emission reductions using offsets and certain sectors (imported petroleum) don't have to reduce emissions for several years, with some major emitters not being regulated until 2035. This is in spite of Ecology's alarming recognition that "University of Washington research projects average annual temperatures in our state will rise 3 degrees by 2045."

"Emission reductions of only 1.7 percent per year are not much different than business as usual," said Dr. James Hansen, director of the Climate Science, Awareness and Solutions program at Columbia University, and one of 18 scientists who developed an emission reductions pathway to restore climate stability. "They would leave

young people with an intolerable burden to somehow suck enormous quantities of CO₂ from the air if they are to avoid a climate system running out of control. The state should live up its obligations to young people, reducing emissions 8 percent per year, which is what the science indicates is needed to stabilize climate." Dr. Hansen, along with several of the world's more foremost climate scientists and policy experts submitted declarations in support of the youth's push for science-based emission reductions.

"All developed nations and states should be doing no less than the global average emission reductions required to return to a safe level of 350 parts per million by 2100," said Julia Olson, executive director and chief legal counsel at Our Children's Trust. "In fact, those who have caused the lion's share of the problem and have the wealth to transition more quickly should be declining at a more rapid pace."

This case is one of several similar state, federal, and international cases, all supported by Our Children's Trust, seeking the legal right to a healthy atmosphere and stable climate. Just Tuesday, a federal judge in Oregon held arguments in a case of 21 youth against the U.S. federal government and fossil fuel industry intervenor-defendants on their motions to dismiss the case, where the court intimated that what is needed now is "all deliberate speed" on climate.

***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. www.ourchildrenstrust.org/*

***The Western Environmental Law Center** is a public interest nonprofit law firm. WELC combines legal skills with sound conservation biology and environmental science to address major environmental issues throughout the West. WELC does not charge clients and partners for services, but relies instead on charitable gifts from individuals, families, and foundations to accomplish its mission. www.westernlaw.org*

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