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Climate youths head back to court, Gov. Inslee must justify noncompliance with court order

Seattle – Youth petitioners are returning to court on Tuesday, November 22, 2016 for a hearing where Gov. Jay Inslee's administration must show why it is not in contempt of the court's prior order to protect the constitutional rights of the youth from climate pollution.

The youths secured court orders in [November 2015](#) and [April 2016](#) forcing the Washington State Department of Ecology (Ecology) to use its existing authority to regulate carbon dioxide emissions 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. The final Clean Air Rule that Ecology promulgated in response to the court orders only requires 19 companies in Washington state to reduce their emissions by 1.7 percent, an amount the youth and their scientific experts criticize as grossly inadequate to address climate change and protect the rights of young people.

The hearing was set in response to the youths' charge that in spite of the rule, Ecology remains out of compliance with the court's prior orders. In their response filed with the court, Ecology is unable to justify its failure to take administrative action that protects the fundamental rights of young people. If the court agrees with the youths' motion, it could order Ecology to achieve far greater emission cuts in line with the best available science.

The hearing will take place at 4:00 pm PST at King County Superior Court, with a press conference taking place outside the courthouse prior to the hearing at 3:00 pm PST.

The youths' hearing comes just 12 days after a U.S. District Court in Oregon decided in favor of a similar climate lawsuit brought by 21 youth plaintiffs against the United States and the fossil fuel industry. U.S. District Court Judge Ann Aiken completely rejected all arguments to dismiss the youth's case raised by the government and industry, determining that the plaintiffs' constitutional and public trust claims could proceed to trial.

In her [decision](#), Judge Aiken cited to Judge Hollis Hill's [ruling from November 19, 2015](#):

"Just last year, Judge Hollis Hill reasoned that it 'misses the point' to mechanically rely on what has been identified as a public trust asset in the past because '[t]he navigable waters and the atmosphere are intertwined and to argue a separation of the two, or to argue that [greenhouse gas] emissions do not affect navigable waters is nonsensical.'"

“The Washington State Department of Ecology has failed to protect the future of the youth, my future, and the air and water, resources that are held in trust by the government under our constitution,” said **Aji Piper**, 16, youth petitioner in the lawsuit against Ecology, and one of the 21 youth plaintiffs in the federal case. “But thankfully we still hold on to some hope, and that hope was reinforced when the federal court in Oregon recognized our rights, even citing the ruling made by Judge Hill in our Washington case.”

“We are heading back to court to ensure that Ecology complies with the substance of Judge Hill’s court orders, which clearly recognized that these young people’s ‘very survival depends upon the will of their elders to act now...to stem the tide of global warming,’ ” said **Andrea Rodgers**, the Western Environmental Law Center attorney representing the youths. “We are not here to challenge the substance of the Clean Air Rule, which is simply another Ecology policy that does not comply with the state’s outdated greenhouse gas emission limits, let alone limits based upon science. It is clear that the court needs to step in and direct Ecology to protect these children’s rights before, in the court’s words, it’s ‘too late.’ ”

“In this global race against time, we must think bigger than what Gov. Inslee believes is politically possible,” said **Julia Olson**, executive director and chief legal counsel at Our Children’s Trust. “We must strive for what science requires. Reality and our children demand no less, for in the end, there is no negotiating with nature.”

This case is related to the federal case, and several state and international cases, all supported by Our Children’s Trust, seeking to secure the legal rights of youth and future generations to a safe 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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