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Judge allows youth constitutional climate rights case to move forward against state of WA and Gov. Inslee

Seattle – Judge Hollis Hill ruled Monday that the youths who sued the Department of Ecology for failing to take action on climate change can again move forward, now with a constitutional climate rights claim that adds the state of Washington and Gov. Jay Inslee as defendants. The court granted the youth's request "due to the emergent need for coordinated science based action by the state of Washington to address climate change before efforts to do so are too costly and too late."

Judge Hill's ruling follows a November hearing at which eight petitioners between the ages of 12 and 16 asked the court to find Ecology in contempt for failing to fulfill orders from [April](#), 2016, and [November](#), 2015, to protect the constitutional rights of young people and future generations to a stable climate. Judge Hill denied the contempt motion because Ecology met the court's procedural deadline to issue the Clean Air Rule, but granted the youths request to add claims that the state of Washington and Gov. Inslee violated the Washington state constitution and the public trust doctrine so the youths will "have their day in court." The ruling now paves the way for the youth to prove "their government has failed and continues to fail to protect them from global warming," and get the full remedy they seek against the state and Gov. Inslee.

Judge Hill's decision comes on the heels of Ecology making [recommendations](#) for new legislative greenhouse gas emissions limits for Washington state that top U.S. climate scientists say would lead to catastrophic levels of atmospheric carbon dioxide. The limits endorsed by Ecology, carbon dioxide levels of 450 parts per million (ppm) and warming of 2°C, are not based on science and will not protect the youths' fundamental rights. Today's best available science concludes 350 ppm and long-term heating of no more than 1°C with a maximum peak of 1.5°C are the best standards. The 2°C number many governments rely upon in setting emissions targets was arbitrarily selected over a decade ago as a political compromise, and was never intended to be a science-based target.

From Judge Hill's order:

"It is time for these youth to have the opportunity to address their concerns in a court of law, concerns raised under statute and under the state and federal constitution."

"This case is important because it transformed from a small case against a single Washington state agency into a large case against the entire Washington state government," said Aji Piper, 16, a youth in the case. "It's important because they are violating our rights to a livable climate and now they have a chance to remedy that."

"I once again express my gratitude to the honorable Judge Hollis Hill," said Gabe Mandell, a youth in the case. "She continues to recognize that to uphold children's rights to a safe and healthy future, governments must

develop clear, science-based, enforceable plans to reduce carbon emissions. The time has long passed for Ecology to stop nibbling around the edges of the climate emergency."

"I was thinking about trees," said Athena Fain, new president of Plant for the Planet Seattle and a youth in the case. "They usually stand there; there's a kind of honesty in a tree that you're never going to find in a person. Especially in a time like this, when someone dishonest got into the White House, it's more important now to have trees in our life. I think advocating for trees is one of the most important things I'm going to do in my life. Judge Hill made it about truth. Science doesn't lie to us. Science tells us the truth. We want to look for the truth with science. It's not that hard to find. Trees are some of the most honest things. Instead of looking at the sky or the ground, let's focus on looking forward. What's in front of us are trees, the most honest, the most basic solution that we are going to find. I'm elated that it's constitutional, and that I'm a plaintiff now."

"All these kids want is the opportunity to present the science to the court because the government leaders of today have failed to implement climate policies that scientists and experts say are needed to protect the rights of young people and future generations," said Andrea Rodgers, the Western Environmental Law Center attorney who represents the youths. "The climate crisis is not easy to solve, but Washington cannot continue to take actions and pursue policies that lock in dangerous levels of carbon dioxide emissions."

"Courts are increasingly recognizing the urgent need for science-based climate action by governments and putting on trial the lack of political will to address the crisis that most threatens our children," said Julia Olson, executive director of Our Children's Trust. "Significantly, our co-equal third branch of government is stepping in to protect the constitutional rights of young people before it is too late to act."

Judge Hill's order cited U.S. District Court Judge Ann Aiken's [November 10, 2016 decision](#) in *Juliana v. U.S.*, that rejected all arguments to dismiss the federal climate lawsuit brought by 21 youths against the U.S. and the fossil fuel industry:

"[T]hat where a complaint alleges government action is affirmative and substantially damaging the climate system in a way that will cause human deaths, shorten human lifespans, result in widespread damage to property, threaten human food sources, and dramatically alter the planet's ecosystem, it states a claim for due process violation."

Juliana v. U.S. is on track for trial in 2017, with defendants including president-elect Donald Trump's administration and the fossil fuel industry. Now, the administrations of both president-elect Trump and Gov. Inslee both face trials in separate courtrooms resulting from youth-based lawsuits simply seeking to stop government from exacerbating climate change and instead develop and implement plans for climate recovery based on science.

In addition to the Washington state and federal cases, Our Children's Trust supports legal actions in several other states as well as internationally, all seeking to secure the legal rights of future generations to a safe climate.

[Our Children's Trust](#) is a nonprofit organization, elevating the voice of youth to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. Our Children's Trust leads 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.

[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.

[Plant-for-the-Planet](#) connects children around the world as Ambassadors for Climate Justice, planting trees, educating the public, influencing decision makers, and now going to court with expert legal guidance. Children inspire children at Academies, free one-day workshops where children ages 8-14 find their voice speaking out for their future and taking action to create a better world.

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