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DOJ admits CO₂ levels place nation on “costly, insecure, and environmentally dangerous path”

On January 13, the United States filed its [Answer](#) to youth plaintiffs’ complaint in *Juliana v. United States*. In their Answer, the federal defendants make several admissions to their long-standing knowledge of climate change danger and to today’s knowledge on the severity of those impacts.

“The Department of Justice and the Federal Defendants have now admitted many of the central facts underpinning our youth plaintiffs’ constitutional claims against the United States,” said **Julia Olson**, counsel for plaintiffs and executive director of Our Children’s Trust. “This answer moves us even closer to proving our case at trial this year. One important and lasting legacy of the Obama Administration is its commitment to scientific research and disclosing the full dangers of climate change to the American people and the world. This answer, made in his final days in office, reflects the stark contrast between the truth of the climate dangers we face and the destructive lies being perpetuated by the incoming Trump Administration. At trial, truth will prevail.”

Pursuant to defendants’ Answer, the following allegations were admitted:

- That the use of fossil fuels is a major source of CO₂ emissions, “placing our nation on an increasingly costly, insecure, and environmentally dangerous path.” ¶ 150
- “[T]hat for over fifty years some officials and persons employed by the federal government have been aware of a growing body of scientific research concerning the effects of fossil fuel emissions on atmospheric concentrations of CO₂—including that increased concentrations of atmospheric CO₂ could cause measurable long-lasting

changes to the global climate, resulting in an array of severe deleterious effects to human beings, which will worsen over time.” ¶ 1

- “[T]hat from 1850 to 2012, CO₂ emissions from sources within the United States (including from land use) comprised more than 25 percent of cumulative global CO₂ emissions.” ¶ 151
- “Federal Defendants admit that they permit, authorize, and subsidize fossil fuel extraction, development, consumption, and exportation. Federal Defendants admit that fossil fuel extraction, development, and consumption produce CO₂ emissions and that past emissions of CO₂ from such activities have increased the atmospheric concentration of CO₂.” ¶ 7
- That current CO₂, methane and nitrous oxide levels are at “unprecedentedly high levels compared to the past 800,000 years of historical data and pose risks to human health and welfare.” ¶ 5
- [C]urrent and projected concentrations of six well-mixed greenhouse gases in the atmosphere, including CO₂, threaten the public health and welfare of current and future generations.” ¶ 207
- “Federal Defendants admit that scientific evidence shows that elevated CO₂ concentrations have caused ocean acidification and ocean warming” and “caused adverse effects to coral reefs and wildlife.” ¶ 260
- “[S]tabilizing atmospheric CO₂ concentrations will require deep reductions in CO₂ emissions.” ¶ 208
- “The United States has supported fossil fuel development through overseas public financing, primarily through the Export-Import Bank of the United States...” and that the Export-Import Bank “provided \$14.8 billion in commitments for 78 transactions or projects in the petroleum sector, including...six in Russia/FSU...The Export-Import Bank of the United States also supported numerous coal and gas power plants.” ¶ 177

In some cases, the federal defendants even argued that the youth plaintiffs’ allegations were *understating* the evidence against them. For example, plaintiffs alleged the atmospheric CO₂ concentration exceeded 400 ppm in 2013 for the first time in recorded history, but the federal defendants admitted it was “for the first time in millions of years.” ¶ 208

In another example, plaintiffs alleged that since 1993, sea levels have been rising at an average rate of 3.2 millimeters per year. The federal defendants rebutted that sea levels have actually been rising at a rate of 3.4 millimeters per year. ¶ 218 In yet another example, youth alleged that fossil fuel production in the United States was 65.244 Quadrillion Btus in 2014, but federal defendants insist that year’s production was 69.653 Quadrillion Btus. ¶ 155

Read through all admissions made by the federal defendants in their Answer here:
<https://www.ourchildrenstrust.org/s/Doc-98-Feds-Answer.pdf>

The court will hold another case management conference on **February 7, 2017** to finalize proposed schedules for discovery and put the case on a schedule for trial in **mid-late 2017**. Among the facts to be determined at trial are whether the federal government actions, which it now concedes in its Answer, are responsible for creating or enhancing climate change and have violated, and continue to violate, the constitutional rights of the youth plaintiffs and future generations.

This federal case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children's Trust, seeking the adoption of science-based prescriptions to stabilize the climate system.

***Counsel for Plaintiffs** include Philip L. Gregory, Esq. of Cotchett, Pitre & McCarthy of Burlingame, CA, Daniel M. Galpern, Esq. of Eugene, OR, and Julia Olson, Esq., also of Eugene, OR.*

***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 coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to below 350 ppm by the year 2100. www.ourchildrenstrust.org/*

***Earth Guardians** is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org*

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