



DEISS LAW

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Utah Youth File Constitutional Climate Lawsuit Against State Government

SALT LAKE CITY, Utah – Today, 7 young people in Utah [filed](#) a new constitutional climate lawsuit, [Natalie R. v. State of Utah](#), against their state government, asserting that the State of Utah is actively causing and contributing to the climate crisis and Utah's dangerous air quality by maximizing, promoting, and systematically authorizing the development of fossil fuels in Utah. The youth claim that the result of these government actions is hazardous air quality and other dangerous impacts of the climate crisis that directly harm the young plaintiffs and violate their state constitutional rights to life, health, and safety.

Defendants named in the case include the State of Utah; Spencer Cox, in his official capacity as Governor of the State of Utah; the Department of Natural Resources, Office of Energy Development; Thom Carter, in his official capacity as Energy Advisor and Executive Director of the Utah Department of Natural Resources, Office of Energy Development; the Utah Department of Natural Resources, Board of Oil, Gas, and Mining; the Utah Department of Natural Resources, Division of Oil, Gas, and Mining; and John R. Baza, in his official capacity as the Director of the Utah Department of Natural Resources, Division of Oil, Gas, and Mining.

In their complaint, the youth plaintiffs assert:

"The past and continuing development of Utah's fossil fuels presents an existential threat to Utah's youth. Because of the development and combustion of fossil fuels, Utah has the worst average air quality in the nation and is already experiencing profoundly dangerous climate changes, including increasing temperatures and deadly heat waves, increasingly frequent and severe wildfires and wildfire smoke, exceptional drought, exacerbation of medical conditions and health risks, and other harms. Dangerous air quality and climate change in Utah are harming the health and safety of Utah's youth, interfering with their healthy development, and taking years off of their lives."

The youth plaintiffs claim that their state government has long known of the dangers of fossil fuels yet has codified official state policy and continued to take affirmative actions that worsen

the climate and air quality crises in the Beehive State, resulting in increasingly hazardous air pollution and dangerous climate impacts that directly harm Utah's children.

The young plaintiffs assert that, because their state constitutional rights are being violated, their claims require judicial intervention and so they are asking the court to declare the state's statutory policies of maximizing, promoting, and systematically permitting fossil fuel development to be unconstitutional. A declaratory judgment would then require the State of Utah to stop carrying out and implementing unconstitutional laws that worsen the climate crisis and violate the rights of Utah youth.

Andrew Welle, lead counsel for the youth plaintiffs, stated, "Utah's fossil fuel development policy poses an existential threat to Utah's children, sacrificing their health, safety, and lives for the short-term profits of the fossil fuel industry. The State's policy has placed these youth in an emergency and every day it remains on the books brings them into further danger. Only Utah's courts can provide the relief these youth urgently need. Only the courts can decide whether the State's policy violates their rights."

Andrew Deiss of Deiss Law PC, who serves as local counsel for the youth plaintiffs, stated, "My colleagues and I are honored to represent these youth who are working through the courts to vindicate rights which will benefit Utah's children now, and for generations to come."

Youth plaintiff Dallin R. stated, "Maintaining a livable planet is a fundamental necessity in guaranteeing the right to life which is promised in our constitution, but the climate crisis is putting that right in danger. I have personally experienced dangerously poor air quality, high temperatures, drought, and the fear of living in an unrecognizable world ravaged by climate change. That's why I am proud to be working with Our Children's Trust to step up to the plate and challenge those who are responsible. The role of Utah's state government in the causation and perpetuation of this crisis is unacceptable, and young Utahns like me and my fellow youth plaintiffs will hold them accountable for their reckless endangerment of our state and our planet."

The youth plaintiffs in *Natalie R. v. State of Utah* range in age from 9 to 18. At the time of filing, 6 of the youth plaintiffs are minors.

Counsel for the youth plaintiffs include Andrew Welle and Amira Mikhail of Our Children's Trust in Eugene, Oregon and Andrew Deiss, John Robinson, and Corey Riley of Deiss Law PC in Salt Lake City, Utah.

[*Natalie R. v. State of Utah*](#) is one of several youth-led constitutional climate lawsuits brought by the nonprofit law firm, Our Children's Trust, which also represents 16 youth plaintiffs whose constitutional climate lawsuit [*Held v. State of Montana*](#) will proceed to trial in February 2023, as well as the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, [*Juliana v. United States*](#).

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Our Children's Trust is a nonprofit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and stable climate, based on the best available science. We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths' legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global level. www.ourchildrenstrust.org

Deiss Law PC is a trial firm in Salt Lake City. The firm has a proven record of excellence and legal innovation, and its attorneys have protected the interests of individuals and businesses of all sizes in Utah and throughout the West since 2012. www.deisslaw.com