



For Immediate Release  
June 1, 2022

**Contacts:**

Andrea Rodgers, 206-696-2851, [andrea@ourchildrenstrust.org](mailto:andrea@ourchildrenstrust.org)

Marti Townsend, Earthjustice, 808-372-1314, [mtownsend@earthjustice.org](mailto:mtownsend@earthjustice.org)

For interviews with youth plaintiffs, contact Erin Barnhart, Our Children's Trust, 541-653-7597, [erin@ourchildrenstrust.org](mailto:erin@ourchildrenstrust.org)

## **14 Hawai'i Youth File New Climate Lawsuit Against Their State Transportation Department**

*Children growing up today face at least twice as many extreme climate events such as heat waves and floods in the course of their lives compared to people born in 1960*

HONOLULU, Hawai'i – Today, 14 young people [filed](#) a new constitutional climate lawsuit against the Hawai'i Department of Transportation (HDOT); HDOT Director Jade Butay; Government David Ige; and the State of Hawai'i. In *Navahine F. v. Hawai'i Department of Transportation*, the youth plaintiffs claim that their state DOT's active operation of a transportation system that results in high levels of greenhouse gas emissions is causing significant harm to their communities, violates their constitutional rights, and undermines their ability to "live healthful lives in Hawai'i now and into the future."

The youth are going to court to ensure HDOT follows through on the legal mandate, set by the state legislature, to decarbonize Hawai'i's economy and achieve a zero emissions economy by 2045. Hawai'i's state constitutional right to a clean and healthful environment includes the right to a life-sustaining climate system. The youth plaintiffs are asking the court to issue a declaration that HDOT is violating this right and the state's public trust doctrine to "conserve and protect Hawai'i's natural beauty and all natural resources."

"The Hawai'i Department of Transportation has been a flat tire in our transition to a decarbonized future for too long," said Leinā'ala Ley, an attorney in Earthjustice's Mid-Pacific Office and co-counsel for the youth plaintiffs. "With this lawsuit, these young people are helping steer the agency towards genuine climate justice in the Hawaiian Islands."

Compared to people born in 1960, children born in 2020 are expected to face a [two to seven-fold increase](#) in extreme climate events such as heat waves, wildfires, crop failures, droughts, and floods. Hawai'i's per capita greenhouse gas emissions remain higher than 85% of the countries on Earth. Emissions from Hawai'i's transportation sector are increasing and expected to comprise nearly 60% of Hawai'i's total greenhouse gas emissions by 2030.

The youth plaintiffs are asking the court to issue a declaration of law that the state's transportation system, and its resulting greenhouse gas pollution and climate harms, violates the state's constitutional public trust doctrine and infringes upon the youth plaintiffs' constitutional right to a clean and healthful environment.

"While in many ways Hawai'i has been a leader in recognizing and setting goals to address the climate emergency, progress is slow because of the unconstitutional, and uncooperative, actions of the state Department of Transportation," stated Andrea Rodgers, Senior Litigation Attorney at Our Children's Trust and co-counsel for the youth plaintiffs. "It is vital that the court ensures that the Department of Transportation catches up with others in the state working towards decarbonizing Hawai'i's economy to protect the lives of these young people."

Hawai'i's public trust doctrine, rooted in the *kānāwai* (laws) of the Hawaiian Kingdom and carried forward in the state constitution, is a well-established requirement of government agencies to protect natural and cultural resources for the benefit of Native Hawaiians and all of the people of Hawai'i. Hawai'i's Supreme Court has already concluded that climate change "harms present and future generations," and that Hawai'i is specifically "vulnerable to the ecological damage caused by an unhealthy climate system." Similarly, the Hawai'i State Legislature has repeatedly found that "climate change poses a serious threat to the economic well-being, public health, natural resources, and the environment of Hawai'i," and has directed state agencies to reduce greenhouse emissions to below zero.

"HDOT is doing the opposite of what the law requires," explained attorney Rodgers. "By prioritizing infrastructure that promotes travel in fossil fueled vehicles, HDOT demonstrates a pattern and practice that locks in and escalates the use of fossil fuels, instead of reducing them as the law requires."

The youth plaintiffs are asking the court to hold HDOT accountable for these violations of the youth's constitutional rights and the public trust doctrine as well as bring the actions of the agency in line with what the state constitution and best available science requires to address the climate crisis.

The stories of these young plaintiffs highlight the immense harm climate change is causing across the Hawaiian Islands. Wildfires and extreme precipitation events like rain bombs have wiped out their communities. Rising sea levels are unearthing *'iwi kupuna* (Native Hawaiian burials), flooding homes, and washing out critical roadways. They have been exposed to extreme heat and watched as warmer temperatures bleach corals and degrade freshwater resources. Of particular concern to these young people is how climate change is undermining access to public beaches, healthy ocean ecosystems, and traditional Native Hawaiian practices like cultivating *lo'i kalo* (taro fields) and *loko i'a* (fishponds).

Youth plaintiff Mesina D.-R. said, "I want the defendants to understand that climate change is not an *impending* doom, but a *preventable* crisis that is currently harming Hawai'i's youth, a crisis that the courts can help solve."

"Climate change is very bad," said youth plaintiff Taliya N. "It causes extreme droughts and extreme rain. There is either not enough water for my family to shower or way too much water and I can't get to school because the roads are flooded."

Youth plaintiff Kaliko T. stated, "Climate change really impacted my life because I lost my house in a flood. Luckily I was not in my house at the time because I would probably have lost my life. Climate change is drastically changing lives around the world and we need our governments to take it and us seriously."

The youth plaintiffs in this lawsuit are between the ages of 9-18 and from the islands of Hawai'i, O'ahu, Moloka'i, Maui, and Kaua'i.

Counsel for the youth plaintiffs include Isaac Moriwake and Leinā'ala L. Ley of Earthjustice and Andrea Rodgers and Kimberly Willis of Our Children's Trust.

*Navahine F. v. Hawai'i Department of Transportation* is one of several youth-led constitutional climate lawsuits brought by the nonprofit law firm Our Children's Trust and fellow public interest firms like Earthjustice. Our Children's Trust also represents 16 youth plaintiffs who will proceed to trial in February 2023 in [Held v. State of Montana](#) as well as the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, [Juliana v. United States](#).

###

**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](http://www.ourchildrenstrust.org)

**Earthjustice** is a premier non-profit public interest law firm committed to environmental justice. We wield the power of the law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change. [www.earthjustice.org](http://www.earthjustice.org)