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California youth plaintiffs tell judge: EPA is discounting our lives, court must intervene

LOS ANGELES—Eighteen California children today argued in U.S. District Court that the Environmental Protection Agency (EPA) values their lives as worth less than adults' in deciding how much climate heating pollution to allow, and that the health and safety harms they're already suffering will get worse as the climate continues to warm.

They made their case during oral arguments against the EPA's motion to dismiss the case on grounds that courts cannot provide relief for the plaintiffs.

Speaking on behalf of the children, attorney Julia Olson said young people have neither political nor economic power to challenge or influence EPA decisions—and thus the court system is their only route to relief from ongoing discrimination. Olson is chief legal counsel and co-executive director of Our Children's Trust, which represents the plaintiffs.

"When the EPA gives more weight to the value of adult lives—and discounts the value of children's lives and safety—EPA discriminates against children," Olson said. "The EPA literally controls the safety of the air and these children have no escape hatch, and no vote in these decisions. When EPA gives permission to industry to poison their air, they're setting these plaintiffs and all American children up for a lifetime of health problems."

Olson argued that while EPA cannot on its own reverse all of the past harm to children, like plaintiff lone who lost her home in a climate-fueled wildfire, that if the plaintiffs won their constitutional case, EPA could stop its discriminatory practices, and limit pollution that is harming children going forward.

If the case goes to trial, Olson said, the plaintiffs will prove not just specific past injuries but also prospective harms if the EPA does not change practices. "This is about the EPA no longer being allowed to act with immunity and impunity," she said.

“I’m only 15,” said Avroh, one of the youth plaintiffs, “I can’t vote and I went to the courts and heard the judge say that we can volunteer and participate in political campaigns to have our voices be heard. But I’ve done that. I’ve started clubs and volunteered in various organizations, but my voice has only spread so far, especially when those in charge—the adults—don’t listen.”

The children, aged eight to 18, filed their constitutional climate change lawsuit in December against the U.S. Environmental Protection Agency (EPA); its administrator, Michael Regan; and the United States federal government.

The plaintiffs assert the EPA intentionally allows life-threatening climate pollution to be emitted by the fossil fuel sources of greenhouse gases it regulates, harming children’s health and welfare.

The young plaintiffs are asking for the Court’s help in stopping EPA from continuing to discount the value of children’s lives and allow life-threatening levels of fossil fuel climate pollution and do what scientists say is necessary—phase out fossil fuel pollution no later than 2050.

The plaintiffs seek a declaratory judgment from the Court that the EPA has violated their fundamental constitutional rights to equal protection of the law and their fundamental rights to life.

Youth plaintiff Dani R. said she was hopeful the court would let the case go to trial.

“A lot of the time, people that participate in the things that we do feel very alone,” she said. “Having a voice for people that feel that they lack some importance really stood out.”

Read more background, a trial timeline and youth plaintiffs’ stories at <https://www.ourchildrenstrust.org/genesis-v-epa>

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Our Children’s Trust is the world’s only nonprofit public interest law firm that exclusively 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 safe climate, based on the best available science. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. www.ourchildrenstrust.org