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**Contacts:**

Julia Olson, Chief Legal Counsel, 415.786.4825, [julia@ourchildrenstrust.org](mailto:julia@ourchildrenstrust.org)

Catherine Smith, Of Counsel, 832.752.1458, [csmith@law.du.edu](mailto:csmith@law.du.edu)

Andrea Rodgers, Senior Litigation Attorney, 206.696.2851, [andrea@ourchildrenstrust.org](mailto:andrea@ourchildrenstrust.org)

Philip Gregory, Of Counsel, 650.278.2957, [pgregory@gregorylawgroup.com](mailto:pgregory@gregorylawgroup.com)

Helen Britto, Communications Manager, [helen@ourchildrenstrust.org](mailto:helen@ourchildrenstrust.org)

**CA children file response in case alleging EPA is discriminating against them and violating rights to life**

**LOS ANGELES**—Yesterday, the 18 children who recently sued the U.S. Environmental Protection Agency for violating their rights to equal protection, life, and a safe climate on Monday [filed](#) their opposition to the EPA's motion to dismiss their case.

[\*Genesis B. v. United States Environmental Protection Agency\*](#) asserts that the EPA intentionally allows life-threatening climate pollution to be emitted by the fossil fuel sources of greenhouse gases it regulates, despite knowing the harm it causes to children's health and welfare.

"EPA's discriminatory conduct prioritizes the interests of the fossil fuel industry and corporations over Children's health and welfare," said the filing by Our Children's Trust (OCT), which represents the youth, aged eight to 18.

Last month, the Department of Justice asked Judge Michael Fitzgerald to dismiss the case, arguing that the children, who cannot vote, also cannot go to the court to remedy the constitutional violations they allege and must instead go to the political branches of government, or to voters. The government did not dispute that the children's health and safety is being harmed by the actions of the EPA in allowing life-threatening levels of climate pollution.

Children have every right to access their courts, said Julia Olson, OCT chief legal counsel.

"These young people have a constitutional climate case against the EPA, and it's the court's job to adjudicate that claim," she said. "The government has failed to show their case is barred by

law. The Supreme Court has repeatedly said that children deserve special consideration when governments act in ways that harm them and create lifelong hardship. These young people have lost homes and weeks of school from climate-driven fires, smoke and heat. They have been hospitalized and developed asthma and anxiety from climate change. EPA knows that the climate pollution it allows causes all of these life-threatening injuries. This evidence must be heard at trial.”

The case alleges that, for decades, the EPA has known that allowing climate pollution would harm children, yet it has intentionally allowed the U.S. to become one of the world’s biggest contributors to climate change. The youth plaintiffs are increasingly suffering from the resulting climate harms that are growing in the Western U.S., including loss of homes from wildfire, damage from floods, and evacuations from life-threatening climate change-induced incidents. Many of the youth plaintiffs are suffering serious health harms tied to wildfire smoke and heat, have lost weeks of school, are experiencing severe depression and anxiety, and fear for their lives.

“Today, the air in California is some of the worst in the nation and the EPA continues to intentionally allow life-threatening pollution. At just 17, I have already experienced extreme wildfires, smoke-filled days, and poor air quality,” said youth plaintiff Dani R. “I am asking the court to do its job and protect my constitutional rights because the right to life means nothing if I do not have the right to live a safe and healthy life.”

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*Our Children’s Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children’s climate rights by courts around the world and children’s fundamental rights to life on this planet are protected. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)*