

Washington state youth sue government over climate change

November 23 2016, by Phuong Le



Petitioner Gabe Mandell, center, 14, addresses media members and supporters as he stands with other children asking a court to force state officials to adopt new rules to limit carbon emissions Tuesday, Nov. 22, 2016, in Seattle. Eight children are asking a Seattle judge to find Washington state in contempt for failing to adequately protect them and future generations from the harmful effects of climate change, part of a nationwide effort by young people to try to force action on global warming. (AP Photo/Elaine Thompson)

Eight children asked a Seattle judge Tuesday to find Washington state in contempt for failing to adequately protect them and future generations

from the harmful effects of climate change, part of a nationwide effort by young people to try to force action on global warming.

The petitioners, between 12 and 16 years old, asked a state judge to step in and require the state Department of Ecology to come up with science-based numeric emissions reductions.

The state argued that it has complied with the [court's](#) prior orders and there's no basis for finding the Department of Ecology in contempt.

After hearing arguments Tuesday afternoon, King County Superior Court Judge Hollis Hill said she needed more time and would rule at a later date.

The case is part of a nationwide effort led by the Oregon-based nonprofit Our Children's Trust to force [states](#) and the federal government to take action on [climate change](#).

This month, a federal judge in Eugene, Oregon, allowed a similar climate change case against President Barack Obama's administration to proceed. In that lawsuit, 21 activists ages 9 to 20 argue that the [federal government's](#) actions violate their constitutional rights to life, liberty, and property, and the government has violated its obligation to hold certain natural resources in trust for [future generations](#).



Petitioners Gabe Mandell, 14, left, and Adonis Williams, 12, look on as an attorney speaks at a court hearing Tuesday, Nov. 22, 2016, in Seattle. Eight children are asking a Seattle judge to find Washington state in contempt for failing to adequately protect them and future generations from the harmful effects of climate change, part of a nationwide effort by young people to try to force action on global warming. (AP Photo/Elaine Thompson)

Aji Piper, 16, of Seattle is a plaintiff in both the federal and Seattle cases. He said he and others are fighting for their right to live in a world that is healthy, safe and sustainable.

"The most concerning thing to me is that our planet will be destroyed and I would have done nothing about it," he said outside court. "We're bringing this case because we need to have a stronger voice and right now that's through the legal system."

Piper and seven others in Seattle brought their petition in 2014 asking the court to force state officials to adopt new rules to limit carbon

emissions based on the best available science.

"Ecology has the legal authority and responsibility to remedy the ongoing legal violations of these [young people](#)'s fundamental rights," Andrea Rodgers, the children's attorney, told the judge Tuesday.



Petitioners Gabe Mandell, 14, center, and Adonis Williams, 12, look on as state Department of Ecology attorney Katharine G. Shirey speaks at a court hearing Tuesday, Nov. 22, 2016, in Seattle. Eight children are asking a Seattle judge to find Washington state in contempt for failing to adequately protect them and future generations from the harmful effects of climate change, part of a nationwide effort by young people to try to force action on global warming. (AP Photo/Elaine Thompson)

In November, Hill denied their appeal but affirmed some of the children's arguments, saying the state has an obligation to protect natural resources for future generations. At the time, the judge noted that the

Department of Ecology was already working on meeting that obligation by writing new rules for [greenhouse gas emissions](#) ordered by the governor.

The plaintiffs again asked the judge to step in after the Department of Ecology in February withdrew its proposed clean air rule to make changes. The department was in the process of writing new rules but Hill in April ordered the agency to proceed with its rulemaking and come up with a rule by the end of 2016.

The Seattle children contend the clean air rule the state adopted in September—which caps emissions from the state's largest carbon polluters—doesn't do enough to protect young people, and that the state is violating prior court orders by not doing more.

Assistant Attorney General Kay Shirey said in court Tuesday that the department complied with court orders by adopting its clean air rule requiring power plants, refineries and others large polluters to reduce emissions by an average 1.7 percent each year.



Petitioners Gabe Mandell, 14, left, Adonis Williams, 12, Aji Piper, 16, and Lara Fain, 14, sit together before a court hearing Tuesday, Nov. 22, 2016, in Seattle.

The four are among eight children are asking a Seattle judge to find Washington state in contempt for failing to adequately protect them and future generations from the harmful effects of climate change, part of a nationwide effort by young people to try to force action on global warming. (AP Photo/Elaine Thompson)

She argued that the petitioners' claims amount to a challenge of the department's clean air rule, which should be heard in Thurston County Superior Court.

She also noted in court filings that the court didn't direct the department to adopt any particular rule, nor did the court say what should or should not be in the rule.

The case is not about the [clean air](#) rule, Rodgers said, but about whether the state has fulfilled its constitutional and statutory duties to protect the fundamental rights of young people from the perils of climate change.

"This is the world I'm going to have to grow up in," said Gabe Mandell, 14, of Seattle, before the hearing. "Ecology has a mandate to protect our future and they're not doing it. They're not doing their job and they're not doing what the judge ordered."



Petitioner Aji Piper, left, starts off a news conference with a song as he stands with other children asking a court to force state officials to adopt new rules to limit carbon emissions, Tuesday, Nov. 22, 2016, in Seattle. Eight children are asking a Seattle judge to find Washington state in contempt for failing to adequately protect them and future generations from the harmful effects of climate change, part of a nationwide effort by young people to try to force action on global warming. (AP Photo/Elaine Thompson)

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