

Editorial: In ruling for the future, Montana judge says state must weigh climate change in policies

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A Montana judge's ruling that the state's relentless protection and

promotion of fossil fuels violates young people's right to a "clean and healthful environment" is groundbreaking—and potentially not just on the topic of climate change. In Missouri, retrograde state laws or failed policies regarding health care, guns and more threaten the well-being of young people in all sorts of ways.

The ruling last week by Judge Kathy Seeley of Montana District Court was the first in the nation, and one of the first in the world, in which a court issued an opinion establishing that failure by a government to address [climate change](#) is a violation of citizens' rights.

In doing so, the [district court](#) struck down a provision in the Montana Environmental Policy Act that barred the state from considering [climate](#) impacts when permitting energy projects. Montana has some of the world's largest coal reserves, which has warped the state's politics toward protecting its fossil fuel industry at all costs.

But the [court](#) ruled that by specifying that fossil fuel projects' impact on climate change can't legally be considered in the approval process, the state is effectively violating its own constitutional guarantee of a healthy environment to its residents—especially to [young people](#), who will have to live in whatever climate future today's political leaders leave them.

The judge didn't just invent the right to a healthy environment in Montana. It's specified in the Montana state Constitution (Article 9): "The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations."

That may sound like (and may well be) something politicians of the past just tossed in there to hush Montana's environmentalists. But the judge concluded that that language obligates the state to deny permits for fossil fuel projects that would create "unconstitutional levels of GHG (greenhouse gas) emissions." Which strikes us as common sense.

Montana argued that anything it does as a state to address climate change would be too miniscule in the global scheme of things to make any impact on global warming. To the extent that's true, it's an argument for more action around America and the world, not less of it by individual states.

The novel ruling faces an uncertain future on appeal. But it does inaugurate a legal theory that could survive whatever happens in the current case.

If the courts eventually come around to a standard that legally obligates states to specifically protect the health and well-being of young residents when making policy, you have to wonder how Missouri laws will fare.

This is, after all, a state that chronically shortchanges [health care](#) and education, has allowed its infrastructure to crumble on the altar of tax cuts, and has so loosened its gun laws that its Legislature has refused to even specify that children can't walk around in public with firearms. Talk about denying kids a "healthful environment."

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