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**California Children File New Constitutional Climate Rights Lawsuit Against  
U.S. Environmental Protection Agency**

**Los Angeles**—On Sunday, December 10, 18 children, ranging from ages eight to 17, filed a new constitutional climate lawsuit in the U.S. District Court in the Central District of California against the United States Environmental Protection Agency (EPA). [\*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. The young plaintiffs also claim that the EPA has discriminated against them as children by discounting the economic value of their lives and their future when it decides whether and how much climate pollution to allow. Defendants named in the case include the EPA; its administrator, Michael Regan; and the United States federal government.

This new case highlights the EPA's conduct over the last 50 years since the Nixon administration and Congress created the agency and delegated it the authority to manage the nation's air quality and control pollution to protect human health and welfare. 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.

The 18 children are asking the federal court to hold a trial, weigh the evidence, and ultimately issue a declaratory judgment that the EPA has violated their fundamental constitutional rights to life and equal protection of the law. Referencing the Supreme Court's 2022 opinion in *West Virginia v. EPA*, authored by Chief Justice John Roberts, the youth plaintiffs also seek a judgment that by systematically allowing climate pollution that harms human health and welfare, the EPA

has acted outside the scope of its congressionally delegated authority. The case also asks, for the first time, for the federal courts to clarify the constitutional standard for judicial review to protect the rights of children as a unique and protected class that is different from adults.

“These children are rising up from fire, smoke, heat, and flood to share their stories of physical harm and despair, along with their clarion call to adults—'our equal rights to life matter as much as yours’,” said Julia Olson, chief legal counsel for Our Children’s Trust. “There is *one* federal agency explicitly tasked with keeping the air clean and controlling pollution to protect the health of every child and the welfare of a nation—the EPA. The agency has done the opposite when it comes to climate pollution and it’s time the EPA is held accountable by our courts for violating the U.S. Constitution and misappropriating its congressionally delegated authority.”

"These children should not face an insurmountable barrier to ensuring their own well-being and the exercise of their constitutional rights," said Catherine Smith, Of Counsel with Our Children’s Trust. "In times like this, when the legislative and executive branches have breached their obligation to young people by intentionally allowing climate pollution and explicitly discounting children’s lives in some political or economic calculus fully aware of its consequences to youth, courts must serve as a constitutional backstop to end it."

Fourteen-year-old plaintiff Avroh said: "We are experiencing what no one should have to experience. We're facing constitutional negligence. We're challenging the EPA's failure to protect us. The air we breathe has become a casualty of their opposition."

Fifteen-year-old plaintiff Noah said: “Time is slipping away, and the impact of the climate crisis is already hitting us directly. We are running from wildfires, being displaced by floods, panicking in hot classrooms during another heat wave. We feel a constant worry about the future, and all around us no one is moving fast enough. The Constitution guarantees every American the rights to life, liberty, and the pursuit of happiness including and especially children.”

Eight-year-old plaintiff Neela said: “I believe kids can make a difference and the earth needs our help. I want to help protect the people and places I love. I’m excited to be a part of this case and be a voice for all kids who deserve a healthy environment.”

“These plaintiffs, with diverse lived experiences and different climate change-induced injuries, have come together to sue the Environmental Protection Agency for discriminating against them because they are young,” Smith concluded.

The plaintiffs in this lawsuit are represented by Julia Olson and Andrea Rodgers, of Our Children’s Trust; Catherine Smith, Of Counsel to Our Children’s Trust; Philip Gregory, Gregory Law Group; Paul Hoffman, Director of Civil Rights Litigation Clinic, UC Irvine School of Law; and John Washington, Schonbrun Seplow Harris Hoffman & Zeldes LLP.

In addition to *Genesis B. v. United States Environmental Protection Agency*, Our Children’s Trust represents and supports young people in active climate litigation both globally and across the

United States. In June 2023, Our Children’s Trust brought the first constitutional climate trial in U.S. history in [Held v. State of Montana](#); in August, the young Montana plaintiffs received a [landmark ruling](#) declaring the state's fossil fuel-favoring laws to be unconstitutional. Our Children’s Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, [Juliana v. United States](#), currently moving forward toward trial on the question of whether the federal government’s fossil fuel-based energy system, and resulting climate destabilization, is unconstitutional. In June 2024, [Navahine F. v. Hawai’i Department of Transportation](#) is set to go to trial. Other active cases include [Natalie R. v. State of Utah](#), and [Layla H. v. Commonwealth of Virginia](#).

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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)*