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## **Utah youth tell state Supreme Court their climate case must move forward, delays increase harm**

**SALT LAKE CITY**—In a [reply brief](#) filed on April 22, 2024, attorneys for seven young people who say that laws requiring Utah to maximize fossil fuel development violate their right to life under the state constitution, told the state Supreme Court their case must proceed to trial—and that every delay in the case adds to the health and safety harms they allege.

The youth appealed to the state's Supreme Court in January 2023, after the Third District Court earlier dismissed their case, *Natalie R. v. State of Utah*, ruling that Utah's constitutional rights don't apply when the harms to life and health result from fossil fuel policies.

In February, the state filed its response to the youths' opening brief, contending in part that the plaintiffs were essentially making an academic argument, rather than challenging actions that are causing concrete harms.

"This is precisely why this case must go to trial," said Andrew Welle, senior staff attorney for Our Children's Trust, the nonprofit law firm that represents the youth.

"If it's heard, the evidence will demonstrate the concrete health harms being suffered by these youth because of the laws that require systematic permitting of fossil fuel development," he said. "Every day these unconstitutional laws remain in place exposes these plaintiffs to increasing air pollution and worsening climate change—taking years off their lives and significantly harming their health and safety. And every roadblock by the state to prevent that evidence from being heard allows them to continue rubberstamping permits, causing more harm."

The reply notes that declaring the fossil fuel laws unconstitutional would force an end to the requirements for maximized development and systematic permitting, reducing fossil fuel

development and resulting emissions, and thus providing relief to the plaintiffs. The state has argued the youths' claims are not redressable, which is not true, Welle said.

The youth anticipate the Supreme Court will schedule a date for a hearing on their appeal in the coming weeks.

In another youth climate suit, *Held v. State of Montana*, that state's District Court ruled last year that Montana laws that promote fossil fuels and require turning a blind eye to climate change violate youth's constitutional rights, including their rights to equal protection, dignity, liberty, health and safety and public trust. The youth in that case are also represented by Our Children's Trust.

In their appeal to the Utah Supreme Court, the young plaintiffs there show that Utah's founding generation intended to instill strong protections for life and health in the state constitution, as the youth plaintiffs' argue, and that courts have power to decide their constitutional claims.

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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](http://www.ourchildrenstrust.org)*

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