

**TO THE HONORABLE MEMBERS OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
ORGANIZATION OF AMERICAN STATES**

**PETITION ALLEGING VIOLATIONS OF HUMAN RIGHTS BY THE UNITED STATES
OF AMERICA WITH REQUESTS FOR PRECAUTIONARY MEASURES AND RELIEF**

BY:

OUR CHILDREN’S TRUST

AND

**VIC BARRETT, JAIME BUTLER, LEVI DRAHEIM, JAYDEN FOYTLIN, TIA MARIE
HATTON, ALEXANDER WALLACE LOZNAK, AVERY MCRAE, AJI PIPER, MIRIAM
OOMMEN, XIUHTEZCATL TONATIUH MARTINEZ, LEO VAN UMMERSEN, NIC
VENNER, ISAAC VERGUN, MIKO VERGUN, AND JOURNEY ZEPHIER**

PETITIONERS

**CONCERNING VIOLATIONS OF THE AMERICAN DECLARATION OF THE RIGHTS
AND DUTIES OF MAN**

**CONSIDERING THE INTER-AMERICAN COURT OF HUMAN RIGHTS ADVISORY
OPINION 32/25, “CLIMATE EMERGENCY AND HUMAN RIGHTS” (MAY 29, 2025)**

AND

**CONSIDERING THE INTERNATIONAL COURT OF JUSTICE ADVISORY OPINION
IN RESPONSE TO UN GENERAL ASSEMBLY RESOLUTION 77/276, “OBLIGATION
OF STATES IN RESPECT OF CLIMATE CHANGE” (JULY 23, 2025)**

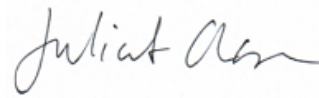
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Respectfully submitted on September 23, 2025, by the undersigned, appearing as counsel for the Petitioners under the provision of Article 23 of the Commission's Regulations:



James R. May
Of Counsel
OUR CHILDREN'S TRUST

Founder
DIGNITY RIGHTS ADVOCATES
dignityrightsadvocates@gmail.org



Julia A. Olson
Founder, Legal Counsel
OUR CHILDREN'S TRUST
julia@ourchildrenstrust.org

Andrea K. Rodgers
Legal Counsel
OUR CHILDREN'S TRUST
andrea@ourchildrenstrust.org

Philip L. Gregory
Of Counsel
GREGORY LAW GROUP
pgregory@gregorylawgroup.com

On Petition:

Caleb Haselhuhn
Legal Fellow
DIGNITY RIGHTS ADVOCATES

Rebecca Gerome
Of Counsel
OUR CHILDREN'S TRUST
rebecca@ourchildrenstrust.org

Kelly Matheson
Of Counsel
OUR CHILDREN'S TRUST
kelly@ourchildrentstrust.org

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I. INTRODUCTION

1. This Petition asks the Inter-American Commission on Human Rights (“IACHR” or “Commission”) to find that the U.S. government’s energy policies and practices violate rights and duties established by the American Declaration on the Rights and Duties of Man (“American Declaration” or “Declaration”).¹ This Petition follows the exhaustion of **nearly a decade** of proceedings in U.S. federal courts in *Juliana et al. v. The United States of America et al.* (“*Juliana v. United States*” or “*Juliana*”).² Each of the fifteen named Petitioners was a Youth Plaintiff in that litigation, represented by co-Petitioner Our Children’s Trust, a U.S.-based nongovernmental organization.

2. On August 12, 2015, 21 children and youth, including the fifteen Youth Petitioners, filed a legal action against the United States of America (“United States” or “U.S.”) and U.S. federal officials and agencies. In that case, *Juliana v. United States*, Petitioners alleged that U.S. government’s policies and practices to perpetuate a fossil-fuel energy system over five decades knowingly caused—and continued to measurably worsen—hazardous atmospheric concentrations of greenhouse gas pollution, depriving them of their fundamental, constitutionally-protected rights

¹ American Declaration of the Rights and Duties of Man, O.A.S. Res. XXX, adopted May 2, 1948, OEA/Ser.L./V/I.4 Rev. (1965) [hereinafter American Declaration].

² *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020). Petitioners refer to the docket for the United States District Court for the District of Oregon as “D. Ct. Doc.”; the docket from the United States Court of Appeals for the Ninth Circuit (“Ninth Circuit”) for the Government’s first petition for writ of mandamus as “Ct. App. I Doc.,” No. 17-71692; the Ninth Circuit docket for the Government’s second petition for writ of mandamus as “Ct. App. II Doc.,” No. 18-71928; the Ninth Circuit docket for the Government’s third petition for writ of mandamus in that court as “Ct. App. III Doc.,” No. 18-72776; the Ninth Circuit docket for the Government’s fourth petition for writ of mandamus in that court as “Ct. App. IV Doc.,” No. 18-73014; the Ninth Circuit docket for the Government’s 2018 Petition for Permission to Appeal as “Ct. App. V Doc.,” No. 18-80176; the Ninth Circuit docket for the interlocutory proceedings under 28 U.S.C. § 1292(b) as “Ct. App. VI Doc.,” No. 18-36082; the Ninth Circuit docket for the Government’s fifth petition for writ of mandamus in that court as “Ct. App. VII Doc.,” No. 24-684; the United States Supreme Court docket for the Government’s first application for stay as “S. Ct. I,” No. 18A65; the Supreme Court docket for the Government’s October 2018 petition for mandamus as “S. Ct. II,” No. 18-505; the Supreme Court docket for the Government’s October 2018 application for a stay as “S. Ct. III,” No. 18A410; and the Supreme Court docket for the 2024 petition for mandamus as “S. Ct. IV,” No. 24-298. [hereinafter Docket of the *Juliana* Proceedings]; and **Appendix A** for a summary of the proceedings in *Juliana et al. v. United States of America* [hereinafter *Juliana v. United States*].

to life, liberty, personal security, dignity, bodily integrity, and their cultural and religious practices³—rights also safeguarded by the American Declaration of the Rights and Duties of Man.⁴

3. Over ten years, the 21 *Juliana* Plaintiffs sought to vindicate their rights. Hailing from the islands, mountains, forests, deserts, farm fields, and coasts of the United States—including Alaska, Hawai‘i, Washington, Oregon, Arizona, New Mexico, Colorado, New York, Pennsylvania, Louisiana, and Florida—they tried to tell the U.S. federal courts how climate change-induced extreme weather forces them to flee their homes and to witness the destruction of their favorite places; how drought impairs their ability to learn and experience their traditional cultural practices; and how increasingly frequent wildfire smoke and extreme heat make it difficult for them to breathe—let alone to go outside, play, learn, and enjoy their youth. **Their stories were never heard in court.**⁵

4. The U.S. government admitted many of the *Juliana* Plaintiffs’ core factual allegations in their Answers⁶ to the Plaintiffs’ First and Second Amended Complaints,⁷ including that the United States bears greater responsibility for cumulative global carbon dioxide (“CO₂”) emissions and, consequently, a greater responsibility for causing climate change, than any other country.⁸ Yet, for a decade the U.S. Department of Justice (“DOJ”) mounted an unprecedented legal strategy—repeatedly filing emergency motions to delay and dismiss the proceedings, motions to avert well-established appeals processes, and requests for extraordinary relief—all in an effort to prevent trial and foreclose the youth from presenting evidence of the U.S. government’s

³ 2d Am. Compl., D. Ct. Doc. 542 [hereinafter 2d Am. Compl.].

⁴ American Declaration, ch. 1, art. I, XXIII.

⁵ Their stories were extensively covered by the media and told in the feature-length, independently produced documentary film, *YOUTH v GOV*. Barrelmaker Productions, *YOUTH v GOV* (2020). Available on Netflix. Written, directed, and produced by Christi Cooper. <https://www.netflix.com/title/81586492>.

⁶ Answer to 1st Am. Compl., D. Ct. Doc. 98 [hereinafter Federal Defendants’ Answer to 1st Am. Compl.]; Answer to 2d Am. Compl. D. Ct. Doc. 590 [hereinafter Federal Defendants’ Answer to 2d Am. Compl.].

⁷ 1st Am. Compl., D. Ct. Doc. 7; 2d Am. Compl.

⁸ Federal Defendants’ Answer to 2d Am. Compl. ¶ 151.

long-standing knowledge of the catastrophic harms to humanity—especially children—caused by unmitigated greenhouse gas pollution. These tactics ultimately silenced the Youth Plaintiffs, resulting in a grave miscarriage of justice to current and future generations.

5. Two federal courts in the U.S.—the United States District Court for the District of Oregon (“the District Court”) and the United States Court of Appeals for the Ninth Circuit (“the Ninth Circuit”)—ruled the Youth Plaintiffs met their *prima facie* burden of proof that climate change has brought us to “the eve of destruction,” and also that it is caused, in part, by actions and inactions of the U.S. government.⁹ Nevertheless, two (of three) Ninth Circuit judges voted to dismiss the case, without the benefit of a trial record, holding that **Plaintiffs lacked standing due to the Court’s purported inability to redress their claims**.¹⁰ Over a blistering dissenting opinion, these judges “reluctantly” concluded that a remedy to the *Juliana* Plaintiffs’ claims was up to the elected branches, not the courts, advising the youth in dicta that their “case must be made to the political branches or to the electorate at large, the latter of which can change the composition of the political branches through the ballot box.”¹¹ The judges ignored the crucial fact that at the time of filing, the majority of the Plaintiffs were not of voting age and did not have the option of resorting to the political process. They primarily denied Plaintiffs’ standing and access to the courts because, they held, the court could not grant the Plaintiffs’ request that the government prepare a remedial plan to reduce U.S. GHG emissions. According to the dissenting judge, the majority “thr[e]w up their hands, concluding that this case presents nothing fit for the Judiciary,” even

⁹ *Juliana v. United States*, 947 F.3d 1159, 1164 (9th Cir. 2020) (“A substantial evidentiary record documents that the federal government has long promoted fossil fuel use despite knowing that it can cause catastrophic climate change, and that failure to change existing policy may hasten an environmental apocalypse.”); *see also* *Juliana v. United States*, 217 F. Supp. 3d 1224 (D. Or. 2016); *Juliana v. United States*, 339 F. Supp. 3d 1062 (D. Or. 2018); *Juliana v. United States*, No. 15-cv-01517, 2023 WL 3750334 (D. Or. June 1, 2023).

¹⁰ *Juliana*, 947 F.3d at 1170-73.

¹¹ *Juliana*, 947 F.3d at 1175.

though “the mere fact that this suit cannot alone halt climate change does not mean that it presents no claim suitable for judicial resolution.”¹²

6. The Ninth Circuit’s view on standing and access to justice for youth to vindicate their constitutional rights is at odds with the holdings of courts worldwide, including the IACtHR,¹³ which consistently affirm the judiciary’s essential role in addressing the climate crisis.¹⁴

7. Urgent consideration of this Petition by the Commission is imperative. Scientists warn the planet is entering the hottest period in recorded human history, with 2025 projected to break all previous temperature records. Children and youth around the world are being exposed to increasingly frequent and devastating climate-driven disasters, including wildfires, floods, and heatwaves—events that result in catastrophic, yet preventable, loss of life and suffering.¹⁵ The concentration of atmospheric CO₂ now exceeds 425 parts per million (“ppm”), far above the 350 ppm threshold identified by climate scientists as necessary to restore the health of the climate system and avert irreversible harm.¹⁶ Every increment of greenhouse gas pollution that can be

¹² *Juliana*, 947 F.3d at 1175 (Staton, J., dissenting).

¹³ Inter-Am. Ct. H.R., *Climate Emergency and Human Rights (Interpretation and scope of Articles 1.1, 2, 4.1, 5.1, 8, 11.2, 13, 17.1, 19, 21, 22, 23, 25 and 26 of the American Convention on Human Rights. Human Rights; 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", VI, VII, VIII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII and I, II, IV, V, , and XXVII, of the American Declaration of the Rights and Duties of Man)*, Advisory Opinion OC-32/25 of 29 May 2025., ¶¶ 540-41 (“Compliance with the[] obligations [in Article XVIII of the American Declaration] is essential in the context of the climate emergency.”); ¶ 550 (“Regardless of the form of legal standing applied, States must facilitate access to justice for individuals and groups affected by climate change[.]”) [hereinafter *The Climate Emergency*, Inter-Am. Ct. H.R.].

¹⁴ See, e.g., ECtHR, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, App. No. 53600/20 (Apr. 9, 2024), ¶¶ 450-51 (holding that courts’ competence “in the context of climate-change litigation cannot, as a matter of principle, be excluded” and that “the question is no longer whether, but how, human rights courts should address the impacts of environmental harms on the enjoyment of human rights.”) [hereinafter *KlimaSeniorinnen*].

¹⁵ Nat’l Acad. of Scis., Eng’g, And Med., *Effects of Human-caused Greenhouse Gas Emissions on U.S. Climate, Health, and Welfare* (2025), <https://nap.nationalacademies.org/catalog/29239/effects-of-human-caused-greenhouse-gas-emissions-on-us-climate-health-and-welfare>; World Meteorological Org, *State of the Global Climate 2024* (2025), <https://wmo.int/publication-series/state-of-global-climate-2024>.

¹⁶ James Hansen et al., *Target Atmospheric CO₂: Where Should Humanity Aim?*, 2 Open Atmospheric Sci. J. 217 (2008); James Hansen et al., *Assessing “Dangerous Climate Change”: Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature*, 8 PloS one e81648 (2013); James Hansen et al., *Young People’s Burden: Requirement of Negative CO₂ Emissions*, 8 Earth Syst. Dynam. 577 (2017); Johan Rockström et al., *A Safe Operating Space for Humanity*, 461 Nature 472 (2009); Will Steffen et al., *Planetary Boundaries: Guiding Human*

prevented will slow the rate of planetary heating and increase the likelihood of humanity’s ability to reverse the worst aspects of climate change and to avoid tipping points from which we cannot return. Against this backdrop, and in light of the current unconstitutional executive directives of the Trump Administration focused on unleashing even more fossil fuels,¹⁷ it is more urgent than ever for the Commission to promptly review the United States’s role in knowingly causing—and continuing to exacerbate—hazardous atmospheric CO₂ concentrations depriving Petitioners of their fundamental rights. In the words of the U.N. General Assembly, “climate change is an unprecedented challenge of civilizational proportions and [...] the well-being of present and future generations of humankind depends on our immediate and urgent response to it.”¹⁸

8. **Section II** of this Petition begins by presenting the factual background necessary for consideration of Petitioners’ claims. This background includes the U.S.’s role in climate change; the resulting impacts; and a description of Petitioners. **Section III** recounts the procedural history of the *Juliana* case and how Petitioners sought redress in the U.S. court system, but the U.S. resorted to unprecedented tactics to silence them and deny them justice. **Section IV** explains why this Commission has jurisdiction to hear these claims and why it should declare them

Development on a Changing Planet, 347 Sci. 736 (2015); Katherine Richardson et al., *Earth Beyond Six of Nine Planetary Boundaries*, 9 Sci. Advances eadh2458 (2023); Johan Rockström et al., *Safe and Just Earth System Boundaries*, 619 Nature 102 (2023); Johan Rockström et al., *Planetary Boundaries Guide Humanity’s Future on Earth*, 5 Nature Reviews Earth Env’t 773 (2024).

¹⁷ *Unleashing American Energy*, Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy>; *Declaring a National Energy Emergency*, Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>; *Reinvigorating America’s Beautiful Clean Coal Industry*, Exec. Order No. 14261, 90 Fed. Reg. 15517 (Apr. 14, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-04-14/pdf/2025-06380.pdf>.

¹⁸ *Obligations of States in Respect of Climate Change* (Advisory Opinion), 2025 I.C.J. ____ p. 6 (July 23), <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf> [hereinafter *Obligations in Respect to Climate Change*, I.C.J.]; G.A. Res. 77/276, Request for an Advisory Opinion of the International Court of Justice on the Obligations of States in Respect of Climate Change, U.N. Doc. A/RES/77/276, p.4 (Mar. 29, 2023); see also Request for an Advisory Opinion on Climate Emergency and Human Rights to the Inter-American Court of Human Rights from the Republic of Colombia and the Republic of Chile, p. 3 (Jan. 9, 2023) (citing UN High Commissioner of Human Rights, Michelle Bachelet, Speech at a High Level Event on the occasion of the 50th Session of the Human Rights Council, June 15, 2022 (“the world continues to face an increasingly serious crisis - worsening conflicts, deepening inequalities and climate change that threatens our very existence”)).

admissible. **Section V** sets out how the U.S. violated its obligation to protect and guarantee Petitioners' rights, as clarified by the Advisory Opinions recently issued by the Inter-American Court of Human Rights ("IACtHR")¹⁹ and the International Court of Justice ("ICJ")²⁰ in the context of the climate emergency, and lists the specific rights under the American Convention that the U.S. government violated. **Sections VI** and **VII** conclude the Petition by requesting precautionary measures—given the urgency and gravity of the situation—and further relief. Specifically, Petitioners ask the Commission to consider admissibility and merits together; declare this Petition admissible; conduct public hearings, country visits, and other inquiries as necessary to assess the U.S. government's breach of its legal obligations in the context of the climate emergency; find the U.S. in violation of Articles I (life), II (equality), V (private and family life), VI (family), VII (special protections for children), IX (inviolability of the home), XI (health), XIII (cultural life), XVIII (access to justice and effective remedies), XXIII (property), XXIV (prompt and effective remedy) of the American Declaration and the rights to dignity (Preamble) and to a healthy climate; issue recommendations to the United States to remedy confirmed violations of international law, taking into account the clarifications of existing law set forth by the IACtHR and the ICJ in their in Advisory Opinions on the Climate Emergency and Human Rights and the Obligations of States in Respect of Climate Change; and monitor such compliance.

¹⁹ *The Climate Emergency*, Inter-Am. Ct. H.R.

²⁰ *Obligations in Respect to Climate Change*, I.C.J.

II. FACTUAL BACKGROUND

9. There is global consensus: the climate crisis, caused by human activity, is an “existential problem of planetary proportions that imperils all forms of life and the very health of our planet.”²¹ As the U.S. admitted in its Answer to the Plaintiffs’ Second Amended Complaint in *Juliana v. United States*, “the consequences of climate change are already occurring and, in general, those consequences will become more severe with more fossil fuel emissions.”²²

10. The United States has played a predominant role in driving climate change, contributing more than one quarter of cumulative historical greenhouse gas emissions from within its territory from 1850 to 2012²³—exceeding the emissions of any other single nation and, indeed, even surpassing those of entire continents.

11. U.S. federal energy policies over five decades have sown the seeds of this planetary emergency. For **more than half a century**, the United States has knowingly advanced energy and pollution policies that fuel the climate emergency²⁴ by authorizing, promoting, subsidizing, and otherwise fostering a fossil fuel-based energy system—despite clear and longstanding scientific

²¹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 456; see also *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 214 (finding that climate change is a “severe threat to humanity”); G.A. Res. 77/276, U.N. Doc. A/RES/77/276 (Mar. 29, 2023) (recognizing that it is “an unprecedented challenge of civilizational proportions and that the well-being of present and future generations of humankind depends on our immediate and urgent response to it”); *Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area* (Advisory Opinion), 2011 ITLOS Rep. 10, ¶ 66 (Feb. 1, 2011) (finding that climate change “represents an existential threat for some Small Islands and some low-lying coasts”); Federal Defendants’ Answer to 2d Am. Compl. ¶ 8 (“Defendants aver that current and projected concentrations of six well-mixed GHGs, which include CO₂, constitute a threat to public health and welfare.”).

²² Federal Defendants’ Answer to 2d Am. Compl. ¶ 10.

²³ Federal Defendants’ Answer to 2d Am. Compl. ¶ 7 (“Defendants [...] aver that from 1850 to 2012, CO₂ emissions from the United States (including from land use) constituted more than one-quarter of cumulative global CO₂ emissions.”); see also *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 57 (finding that the U.S. produced 24.8% of global CO₂ emissions between 1990 and 2024) (citing European Comm’n, Joint Rsch. Ctr., Emissions Database For Global Atmospheric Rsch., *GHG Emissions of all World Countries Report 2* (2024), https://edgar.jrc.ec.europa.eu/report_2024#emissions_table).

²⁴ Federal Defendants’ Answer to 2d Am. Compl. ¶ 1 (“Defendants admit that for over fifty years some officials and persons employed by the federal government have been aware of a growing body of scientific research concerning the effects of fossil fuel emissions on atmospheric concentrations of CO₂—including that increased concentrations of atmospheric CO₂ could cause measurable long-lasting changes to the global climate, resulting in an array of severe deleterious effects to human beings, which will worsen over time.”).

warnings that such conduct would gravely endanger human rights, including the rights to life, health, and a healthy climate. And today, rather than mitigating these five decades of harm, the U.S. government continues to worsen the harm by adopting and implementing specific executive policies to “unleash” additional fossil fuel development²⁵ and “reinvigorating coal”²⁶ on the basis of a fictitious “energy emergency,”²⁷ deepening the existing burden on children and future generations worldwide.

12. This Section is organized in six parts. **Part A** demonstrates how the U.S. knew for decades that CO₂ emissions cause dangerous climate change and that a transition away from fossil fuels is necessary to protect human rights. **Part B** shows how the U.S., as the world’s largest cumulative emitter of greenhouse gases, has played a leading role in causing the climate crisis. **Part C** outlines how climate change disproportionately harms children and youth. **Part D** explains that it is feasible for the U.S. to swiftly achieve deep cuts in its emissions, and eliminate them before 2050, in line with best available science.²⁸ **Part E** introduces the Petitioners, who are all youth harmed by climate change, and Our Children’s Trust, which represented them throughout the proceedings in *Juliana v. United States*.

²⁵ *Unleashing American Energy*, Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy>.

²⁶ *Reinvigorating America’s Beautiful Clean Coal Industry*, Exec. Order No. 14261, 90 Fed. Reg. 15517 (Apr. 14, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-04-14/pdf/2025-06380.pdf>.

²⁷ *Declaring a National Energy Emergency*, Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

²⁸ Mark Z. Jacobson et al., *Zero Air Pollution and Zero Carbon from all Energy at Low Cost and Without Blackouts in Variable Weather Throughout the U.S. with 100% Wind-Water-Solar and Storage*, 184 *Renewable Energy* 430-442 (2022), available at <https://doi.org/10.1016/j.renene.2021.11.067>; Mark Z. Jacobson et al., *Energy, Health, and Climate Costs of Carbon Capture and Direct-Air-Capture Versus 100% Wind-Water-Solar Climate Policies in 149 Countries*, 59 *Env’t Sci. & Tech.* 3034 (2025), <https://web.stanford.edu/group/efmh/jacobson/Articles/I/149Country/149-Countries.pdf>.

A. The U.S. Knew for Decades that CO₂ Emissions Cause Climate Change and that a Transition Away from Fossil Fuels Is Necessary to Protect Human Rights

13. For decades, the U.S. has known that CO₂ pollution from burning fossil fuels causes dangerous global warming and climate change, and that continuing to burn fossil fuels destabilizes the climate system on which present and future generations depend for their wellbeing and survival.

14. As early as the late 19th century, American and European scientists understood that increasing CO₂ concentrations in the atmosphere would significantly elevate Earth's surface temperature. In its Answer to the *Juliana* Plaintiffs' Second Amended Complaint, the U.S. admitted that "prior to 1899 some scientists published estimates of the impact that elevated CO₂ concentrations could have on global temperature"²⁹ and that "by the early 1900s some scientists had studied the potential impacts of increasing atmospheric concentrations of CO₂ on global climate change."³⁰ One of these scientists, Swedish Nobel Laureate in Chemistry Svante Arrhenius, wrote in 1908 that "any doubling of the percentage of carbon dioxide in the air would raise the temperature of the earth's surface by 4°C; and if the carbon dioxide were increased fourfold, the temperature would rise by 8°C."³¹

15. In the 1950s and 1960s, scientists and policy advisors were already warning the U.S. federal government that the burning of fossil fuels would cause dangerous climate change and urging action to address the threat. In a 1955 *Fortune* Magazine article—later discussed and enclosed in a letter from Senator Clinton Anderson to President John F. Kennedy on February 23, 1961—John von Neumann, a Member of the Atomic Energy Commission, cautioned: "The carbon

²⁹ Federal Defendants' Answer to 2d Am. Compl. ¶ 131.

³⁰ Federal Defendants' Answer to 2d Am. Compl. ¶ 131.

³¹ Svante Arrhenius, *Worlds In The Making: The Evolution of the Universe* (H. Borns Trans., Harper 1908); see also Eunice Foote, *Circumstances Affecting the Heat of the Sun's Rays*, 22 Am. J. Sci. & Arts 382 (Nov. 1856), <https://www.climate.gov/media/13457>.

dioxide released into the atmosphere by industry's burning of coal and oil [...] may have changed the atmosphere's composition sufficiently to account for a general warming of the world by about one degree Fahrenheit.”³² In a 1957 report to the U.S. Congress, scientists predicted that the burning of fossil fuels would significantly increase the CO₂ content of the atmosphere and might “make a considerable change in the climate” which would lead to precipitation changes, ice melt, and sea levels rising by several tens of feet. “[S]outhern California and a good part of Texas, instead of being just barely livable as they are now, would become real deserts.”³³

16. By 1965, the U.S. reported that anthropogenic pollutants, including CO₂, harm the economy and quality of life. In the 1965 Report of President Lyndon Johnson's Scientific Advisory Committee, *Restoring the Quality of Our Environment*, the White House confirmed that anthropogenic pollutants, including CO₂, threaten “the health, longevity, livelihood, recreation, cleanliness and happiness of citizens who have no direct stake in their production.”³⁴ The report underscored that the burning of fossil fuels produces CO₂ and that an increase in CO₂ “will modify the heat balance of the atmosphere to such an extent that marked changes in climate, not controllable though local or even national efforts, could occur.”³⁵ It concluded that “[t]he climatic changes that may be produced by the increased CO₂ content could be deleterious from the point of view of human beings.”³⁶

³² John von Neumann, *Can We Survive Technology?*, *Fortune*, June 1955, at 512, https://sseh.uchicago.edu/doc/von_Neumann_1955.

³³ *Report of the International Geophysical Year*: Hearing Before the Subcomm. of the Comm. on Appropriations, 85th Cong. 106 (1957).

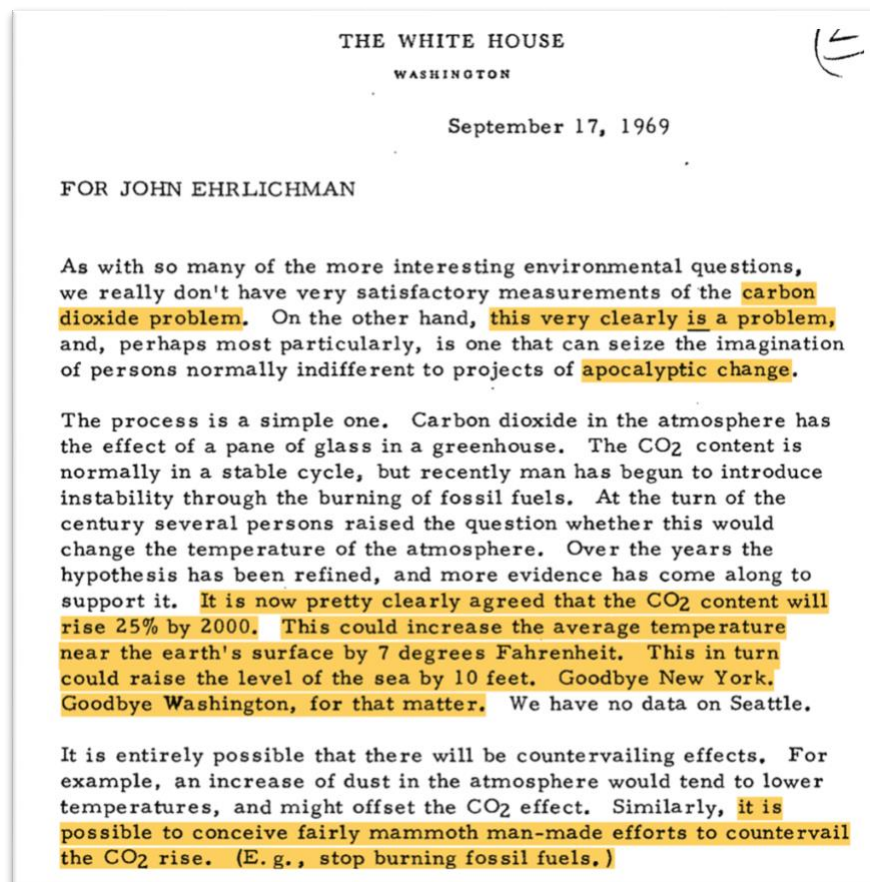
³⁴ President's Science Advisory Committee, *Restoring the Quality of Our Environment*, *Report of The Environmental Pollution Panel 1* (Nov. 1965) [hereinafter *Restoring the Quality of Our Environment*].

³⁵ *Restoring the Quality of Our Environment*, at 9.

³⁶ *Restoring the Quality of Our Environment*, at 127.

17. In 1969, Daniel Moynihan, then-advisor on domestic policy to President Nixon, referred to climate change as potentially “apocalyptic” in a memorandum to White House Counsel John Ehrlichman. He warned:

“[The carbon dioxide problem] very clearly is a problem [...] The process is a simple one. Carbon dioxide in the atmosphere has the effect of a pane of glass in a greenhouse. The CO₂ content is normally in a stable cycle, but recently man has begun to introduce instability through the burning of fossil fuels. At the turn of the century several persons raised the question whether this would change the temperature of the atmosphere. Over the years the hypothesis has been refined, and more evidence has come along to support it. It is now pretty clearly agreed that the CO₂ content will rise 25% by 2000. This could increase the average temperature near the earth’s surface by 7 degrees Fahrenheit. This in turn could raise the level of the sea by 10 feet. Goodbye New York. Goodbye Washington, for that matter. [...] [I]t is possible to conceive fairly mammoth man-made efforts to countervail the CO₂ rise. (E.g., stop burning fossil fuels.)”³⁷



³⁷ Memorandum from Daniel Moynihan to White House Counsel John Ehrlichman (Sept. 17, 1969), <https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/jul10/56.pdf> (emphasis in original).

18. In the following decades, U.S. government reports continued to confirm the severity of the threat of climate change and urge policymakers to act to reduce emissions.³⁸ A 1970 report to Congress by the Council on Environmental Quality (“CEQ”) found that if all estimated available fossil fuel resources were burned, the Earth’s temperature would rise, leading to “substantial melting of ice caps and flooding of coastal regions.”³⁹ Elmer B. Staats, Comptroller General of the United States, similarly warned Congress in 1977 that “the increased global temperature caused by rising concentrations of carbon dioxide may produce some melting of the polar ice caps, causing a sea level increase of tens of feet, gradually inundating coastal plains and low lands, and perturbation of marine biology.”⁴⁰ He added that “a global warming of 1 degree to 2 degrees centigrade could cause serious repercussions on the earth’s surface including shifting of wind circulation belts and redistributing temperature patterns and precipitation levels. Numerous secondary effects associated with these primary effects will also occur.”⁴¹

19. In 1988, *Juliana* Plaintiff-Guardian Dr. James Hansen, then Director of NASA’s Institute for Space Studies and a leading climate scientist in the U.S. federal government, testified for a second time before Congress that carbon pollution in the atmosphere was causing global warming, stating “1988 will be the warmest year on record.” He underscored that impacts were already being observed, stating that “the greenhouse effect is already large enough to begin to effect the probability of extreme events such as summer heat waves.”⁴²

³⁸ Memorandum from Edward E. David, Director of Office of Science and Technology to Peter Flanigan, Assistant to the President (Oct. 20, 1970); National Academy of Sciences, Jule Charney, Chairman, *Carbon Dioxide and Climate: A Scientific Assessment* (1979); National Energy Act of 1978.

³⁹ Council on Env’t Quality, *The First Annual Report of the Council on Environmental Quality* 97 (1970).

⁴⁰ U.S. Gov’t Accountability Off., *U.S. Coal Development—Promises, Uncertainties*, EMD-77-43 § 6, at 19 (1977), <https://www.gao.gov/products/EMD-77-43>.

⁴¹ U.S. Gov’t Accountability Off., *U.S. Coal Development—Promises, Uncertainties*, EMD-77-43 § 6, at 19 (1977), <https://www.gao.gov/products/EMD-77-43>.

⁴² *Greenhouse Effect and Global Climate Change*: Hearing Before the S. Comm. on Energy and Natural Resources, 100th Cong. 1, 39 (1988) (statement of James E. Hansen, Dir., NASA Goddard Inst. for Space Studies), https://www.sealevel.info/Hansen.0623-1988_oral.pdf.

20. In the early 1990s, two key government reports urged Congress to take specific actions to reduce emissions. In December 1990, the Environmental Protection Agency (“EPA”) issued a report to Congress on *Policy Options for Stabilizing Global Climate*.⁴³ It concluded: “[R]esponses to the greenhouse problem that are undertaken now will be felt for decades in the future, and lack of action now will similarly bequeath climate change to future generations.”⁴⁴ EPA called for stabilizing atmospheric CO₂ concentrations at 350 ppm and for a 50% reduction in total U.S. CO₂ emissions below 1990 levels by 2025, explaining that such reductions were the only pathway to stop global warming and stabilize the climate system. EPA also confirmed the White House’s findings from 1965 that CO₂ was a “dangerous” pollutant.⁴⁵

21. In 1991, the Congressional Office of Technology Assessment (“OTA”) informed Congress that the U.S. was the single largest contributor to carbon pollution and that the country needed to wean itself from fossil fuels.⁴⁶ The U.S. then ratified the UN Framework Convention on Climate Change (“UNFCCC”) in 1992, the objective of which is the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”⁴⁷

22. More than three decades have passed since EPA’s and OTA’s 1990 and 1991 recommendations. The U.S. never implemented them. Instead, successive administrations promoted the acceleration of fossil fuel production, consumption, and combustion, even though,

⁴³ U.S. Env’t Prot. Agency, Office of Policy, Planning and Evaluation, *Policy Options for Stabilizing Global Climate: Report to Congress*, EPA 21p-2003.1 (Daniel A. Lashof & Dennis A. Tirpak eds., 1990).

⁴⁴ U.S. Env’t Prot. Agency, Office of Policy, Planning and Evaluation, *Policy Options for Stabilizing Global Climate: Report to Congress*, EPA 21p-2003.1, at III-15 (Daniel A. Lashof & Dennis A. Tirpak eds., 1990).

⁴⁵ U.S. Env’t Prot. Agency, *Policy Options for Stabilizing Global Climate: Report to Congress*, EPA 21p-2003.1, at I-13 (Daniel A. Lashof & Dennis A. Tirpak eds., 1990).

⁴⁶ U.S. Cong., Off. of Tech. Assessment, *Changing by Degrees: Steps to Reduce Greenhouse Gases*, OTA-o-482 (1991).

⁴⁷ United Nations Framework Convention on Climate Change, art. 2, May 9, 1992, 1771 U.N.T.S. 107, S. Treaty Doc. No. 102-38 (1992).

as the U.S. Department of Energy (“DOE”) admitted in its 2011 strategic plan, “our responsibility to future generations is to eliminate most of our carbon emissions and transition to a sustainable energy future.”⁴⁸

23. In its Answer to the *Juliana* Plaintiffs’ Second Amended Complaint, the U.S. admitted that,

“for over fifty years some officials and persons employed by the federal government have been aware of a growing body of scientific research concerning the effects of fossil fuel emissions on atmospheric concentrations of CO₂—including that increased concentrations of atmospheric CO₂ could cause measurable long-lasting changes to the global climate, resulting in an array of severe deleterious effects to human beings, which will worsen over time.”⁴⁹

24. The U.S. also admitted that during the last decade, government officials “have repeatedly stated that allowing ‘business as usual’ CO₂ emissions will imperil future generations with dangerous and unacceptable economic, social, and environmental risks [...]. [T]he use of fossil fuels is a major source of these emissions, placing our nation on an increasingly costly, insecure, and environmentally dangerous path.”⁵⁰

25. Put simply, the U.S. government knew.⁵¹ But it has not mattered. In a 2020 opinion in *Juliana v. U.S.*, the U.S. Ninth Circuit Court of Appeals found,

“A substantial evidentiary record documents that the [U.S.] federal government has long promoted fossil fuel use despite knowing that it can cause catastrophic climate change and that failure to change existing policy may hasten an environmental apocalypse.”⁵²

⁴⁸ U.S. Dep’t of Energy, *Strategic Plan*, DOE/CF-0067, at 2 (2011), https://www.energy.gov/sites/prod/files/maprod/documents/DOE_2011-Strategic-Plan_Print-Quality.pdf.

⁴⁹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 1.

⁵⁰ Federal Defendants’ Answer to 2d Am. Compl. ¶ 150; 2d Am. Compl. ¶ 150.

⁵¹ See generally James Gustave Speth, *They Knew: The U.S. Federal Government’s Fifty-Year Role in Causing the Climate Crisis* (2022).

⁵² *Juliana v. United States*, 947 F.3d 1159, 1164 (9th Cir. 2020).

B. As the World's Largest Emitter, the U.S. Has Played a Leading Role in Causing the Climate Crisis

26. The U.S. has played a leading role in causing climate change. As it admitted in its Answer, it contributed more than one quarter of the world's cumulative historical greenhouse gas emissions from 1850 to 2012.⁵³ It did so by making fossil fuels the dominant form of energy of its national energy system, even after knowing that continuing to produce and combust fossil fuels would be “deleterious” for humans and result in “apocalyptic” environmental consequences. The scientific understanding of these energy choices was advanced, well-supported, and believed by the U.S. federal government with bipartisan agreement of politicians.⁵⁴

27. In its 2024 Answer, the U.S. admitted that:

- a) U.S. government entities “**permit, authorize, and subsidize fossil fuel extraction, development, consumption, and exportation.** [...] [F]ossil fuel extraction, development, and consumption **produce CO₂ emissions** and [...] past emissions of CO₂ from such activities have increased the atmospheric concentration of CO₂.”⁵⁵
- b) The U.S.’s “overall production and consumption of fossil fuels over the last fifty years has **increased.**”⁵⁶
- c) “[B]etween 1991 and 2014 about **127,600 million metric tons of CO₂** were emitted from fossil fuel combustion in the United States.”⁵⁷
- d) “[W]hen natural gas plant liquids are included, total fossil fuel production in the United States was 69.653 Quadrillion Btus in 2014.”⁵⁸

⁵³ Federal Defendants’ Answer to 2d Am. Compl. ¶ 7 (“Defendants [...] aver that from 1850 to 2012, CO₂ emissions from the United States (including from land use) constituted more than one-quarter of cumulative global CO₂ emissions.”); *see also The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 57 (finding that the U.S. produced 24.8% of global CO₂ emissions between 1990 and 2024) (citing European Comm’n, Joint Rsch. Ctr., Emissions Database for Global Atmospheric Rsch. (Edgar), *GHG Emissions Of All World Countries Report 2* (2024), https://edgar.jrc.ec.europa.eu/report_2024#emissions_table).

⁵⁴ Naomi Oreskes et al., *Climate Change and the Clean Air Act of 1970 Part I: The Scientific Basis*, 50 Ecology L.Q. 811 (2023); James Gustave Speth, *They Knew: The U.S. Federal Government’s Fifty-Year Role in Causing the Climate Crisis* (2022).

⁵⁵ Federal Defendants’ Answer to 2d Am. Compl. ¶ 7 (emphasis added).

⁵⁶ Federal Defendants’ Answer to 2d Am. Compl. ¶ 152 (emphasis added).

⁵⁷ Federal Defendants’ Answer to 2d Am. Compl. ¶ 153 (emphasis added).

⁵⁸ Federal Defendants’ Answer to 2d Am. Compl. ¶ 155.

- e) “CO₂ emissions from energy consumption in the United States in 2014 was close to [...] 5.4 billion metric tons [and] [...] CO₂ emissions from energy consumption in the United States in 2014 was 5.406 billion metric tons.”⁵⁹
- f) “**GHG emissions (including CO₂)** from fossil fuel combustion have contributed to increasing atmospheric GHG concentrations and therefore, the **global energy imbalance** in the climate system.”⁶⁰
- g) “CO₂ emissions are currently altering the atmosphere’s composition and will continue to **alter Earth’s climate for thousands of years**.”⁶¹
- h) “[G]lobal average temperatures over the past decade (2012–2021) were close to 2°F (1.1°C) warmer than the preindustrial period (1850–1899). Evidence from multiple proxy-based reconstructions of the past indicates that the rate of increase of global surface temperatures observed over the past several decades is **unprecedented over the past 2,000 years**.”⁶²
- i) “[S]tabilizing atmospheric CO₂ concentrations will require **deep reductions in CO₂ emissions**.”⁶³
- j) “[T]he consequences of **climate change are already occurring** and, in general, those consequences will become more severe with more fossil fuel emissions.”⁶⁴

28. U.S. government policies and practices perpetuated the problem in several ways. First, the U.S. has **allowed and promoted excessive fossil fuel production on federal public lands** by leasing federal land for fossil fuel exploration and extraction and authorizing and overseeing the sale of oil, gas, and coal from federal lands. As the U.S. admits, “many of the activities” the Department of Interior (“DOI”) permits on public lands “result in emission of CO₂ into the atmosphere.”⁶⁵ In 1985, there were 18,849 recorded federal oil and gas leases issued by DOI; by 2014, there were 23,657—25% more.⁶⁶ In 2014, the U.S. “authorized and oversaw the

⁵⁹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 157.

⁶⁰ Federal Defendants’ Answer to 2d Am. Compl. ¶ 202 (emphasis added).

⁶¹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 206.

⁶² Federal Defendants’ Answer to 2d Am. Compl. ¶ 210 (emphasis added).

⁶³ Federal Defendants’ Answer to 2d Am. Compl. ¶ 208 (emphasis added).

⁶⁴ Federal Defendants’ Answer to 2d Am. Compl. ¶ 10 (emphasis added).

⁶⁵ Federal Defendants’ Answer to 2d Am. Compl. ¶ 112.

⁶⁶ Federal Defendants’ Answer to 2d Am. Compl. ¶ 167.

sale of 421 million tons of coal from federally-leased lands.”⁶⁷ In 2025, these numbers are set to increase.⁶⁸ DOI instituted emergency procedures exempting thousands of oil and gas permit applications from the requirement to prepare an environmental impact assessment,⁶⁹ and leased more than 10,000 hectares of federal land for new oil and gas development in the first quarter of 2025.⁷⁰ According to DOI, 200,000 more barrels of crude oil will be produced per day than would have been otherwise.⁷¹ For many decades, the U.S. has also reversed or resisted efforts to develop renewable energy from wind and solar energy.⁷² Any recently-achieved progress on renewable energy growth to replace coal and gas for power generation, and on growth in electric vehicles to replace ICE vehicles, has been blocked by specific Trump administration policies. For instance, in 2025, President Trump ordered an end to offshore wind development,⁷³ and DOI added 68 new layers of review for wind and solar project permit applications only.⁷⁴

⁶⁷ Federal Defendants’ Answer to 2d Am. Compl. ¶ 165.

⁶⁸ See Press Release, U.S. Dep’t of the Interior, *Interior’s First Oil and Gas Lease Sales of 2025 Bring in Over \$39 Million* (Mar. 27, 2025), <https://www.doi.gov/pressreleases/interiors-first-oil-and-gas-lease-sales-2025-bring-over-39-million>.

⁶⁹ Press Release, U.S. Dep’t of the Interior, *Interior Will no Longer Pursue Lengthy Analysis for Oil and Gas Leasing Decisions in Seven States* (Apr. 10, 2025), <https://www.doi.gov/pressreleases/interior-will-no-longer-pursue-lengthy-analysis-oil-and-gas-leasing-decisions-seven>.

⁷⁰ Press Release, U.S. Dep’t of the Interior, *Interior’s First Oil and Gas Lease Sales of 2025 Bring in Over \$39 Million* (Mar. 27, 2025), <https://www.doi.gov/pressreleases/interiors-first-oil-and-gas-lease-sales-2025-bring-over-39-million>.

⁷¹ Douglas Burgum (@SecretaryBurgum), X.COM (July 9, 2025), <https://x.com/i/web/status/1942953300355096729>.

⁷² See, e.g., Daniel J. Weiss & Nick Kong, *Renewable Energy Subterfuge: Bush’s Sleight of Hand*, Center for American Progress (Mar. 4, 2008), <https://www.americanprogress.org/article/renewable-energy-subterfuge-bushs-sleight-of-hand/>; Mike Nicklas, *Will History Repeat Itself? Like Reagan’s Repeal of Carter’s Achievements in Advancing Solar Energy, Will Trump Kill Biden’s?*, Solar Today Magazine (Apr. 10, 2025) <https://ases.org/will-history-repeat-itself-like-reagans-repeal-of-carters-achievements-in-advancing-solarenergy-willtrump-kill-bidens/>.

⁷³ *Memorandum on Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects*, 90 Fed. Reg. 8363 (Jan. 29, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/temporary-withdrawal-of-all-areas-on-the-outer-continental-shelf-from-offshore-wind-leasing-and-review-of-the-federal-governments-leasing-and-permitting-practices-for-wind-projects/>.

⁷⁴ Gregory Wischer, *Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities* (July 15, 2025), <https://www.doi.gov/media/document/departmental-review-procedures-decisionsactions-consultations-and-other>; see, e.g., Zack Colman, *Interior’s Restrictions have ‘Frozen’ Nevada Solar Projects, Republican Governor Tells Burgum*, E&E News by Politico (Aug. 6, 2025), <https://www.eenews.net/articles/interiors-restrictions-have-frozen-nevada-solar-projects-republican-governor-tells-burgum/> (restricted access, available upon request).

29. Second, the U.S. has **provided trillions of dollars in subsidies** to the fossil fuel industry. According to the International Monetary Fund (“IMF”), in 2013 the United States was the world’s top subsidizer of fossil fuels in absolute terms, in the amount of \$502 billion per year.⁷⁵ Ten years later, that number has climbed to \$760 billion, putting the U.S. second after China.⁷⁶ Current federal laws will bestow additional tens of billions of dollars to the fossil fuel industry.⁷⁷ For decades, the U.S. has subsidized the fossil fuel industry by:

- a) Undervaluing royalty rates for federal public leasing, as well as through royalty relief resulting in the loss of billions of dollars of foregone revenue. U.S. royalty rates are consistently less than state royalty rates. For example, Texas’s royalty rate for leasing is double the federal percentage.⁷⁸
- b) Providing tax relief to fossil fuel companies through eleven federal fossil fuel production tax provisions, incurring approximately \$4.7 billion in annual lost-revenue costs.⁷⁹ The U.S. also provides approximately \$5.1 billion per year in tax provision subsidies to support fossil-fuel exploration.⁸⁰
- c) Offering a fossil fuel consumption subsidy, forgoing approximately \$3.4 billion in revenue.⁸¹

⁷⁵ Benedict Clements, Int’l Monetary Fund, *Energy Subsidy Reform: Lessons and Implications* 13 (2013), https://www.imf.org/external/np/pp/eng/2013/012813.pdf?utm_source=Copy+of+march+26_2013&utm_campaign=April+2%2C+2013&utm_medium=socialshare.

⁷⁶ Benedict Clements, Int’l Monetary Fund, *Energy Subsidy Reform: Lessons and Implications* 18 (2013), https://www.imf.org/external/np/pp/eng/2013/012813.pdf?utm_source=Copy+of+march+26_2013&utm_campaign=April+2%2C+2013&utm_medium=socialshare.

⁷⁷ Collin Rees, *Paying for Climate Chaos: U.S. Federal Subsidies to Fossil Fuel Production* 4 (2025), <https://oilchange.org/wp-content/uploads/2025/09/paying-for-climate-chaos.pdf>.

⁷⁸ Press Release, U.S. Dep’t of the Interior, *Department of the Interior Announces Oil and Gas Lease Sale in New Mexico Generates Over \$58 Million in Revenue* (July 24, 2025), <https://www.doi.gov/pressreleases/department-interior-announces-oil-and-gas-lease-sale-new-mexico-generates-over-58>; Center for American Progress, *Federal Oil and Gas Royalty and Revenue Reform* (June 19, 2015), <https://www.americanprogress.org/article/federal-oil-and-gas-royalty-and-revenue-reform/>.

⁷⁹ U.S. Dep’t of the Treasury, *USA-FFSR Progress Report to G20: United States – Progress Report on Fossil Fuel Subsidies* (2014), <https://home.treasury.gov/system/files/236/USA-FFSR-progress-report-to-G20-2014-Final.pdf>.

⁸⁰ Overseas Development Institute and Oil Change International, *The Fossil Fuel Bailout: G20 Subsidies for Oil, Gas and Coal Exploration* (Nov. 2014), <https://web.archive.org/web/20150318095514/https://priceofoil.org/content/uploads/2014/11/G20-Fossil-Fuel-Bailout-Full.pdf> (citing U.S. Office of Management and Budget, *Budget of the United States Government* (2014), <http://www.gpo.gov/fdsys/browse/collectionGPO.action?collectionCode=BUDGET>).

⁸¹ Congressional Budget Office, *Federal Support for the Development, Production, and Use of Fuels and Energy Technologies* (Nov. 2015), <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/50980-energysupport-3.pdf>.

- d) Supporting fossil fuel development through overseas public financing, primarily through the Export-Import Bank of the United States, an agency of the Office of the President providing tens of billions of dollars to oil, gas, and coal projects, plants, and transactions around the world.⁸²
- e) Enacting the One Big Beautiful Bill Act in 2025 which will add nearly \$40 billion in new federal subsidies for oil, gas and coal. The amount of public money the U.S. will spend on domestic fossil fuels will be at least \$34.8 billion a year.⁸³

30. The U.S. government continues to drastically subsidize and favor fossil fuels even though wind and solar are the cheapest forms of energy today.⁸⁴

31. Third, the U.S. has **increased its imports and exports of fossil fuels**. According to the U.S.’s Answer in *Juliana*, in 2014 it oversaw the importation of 2,680,626 thousand barrels of crude oil and the exportation of 127,864 thousand barrels of crude oil, both increases from 2013.⁸⁵ The U.S. also admitted that in 2011, it exported 107 million short tons of coal, and in 2012, U.S. coal exports totaled 125 million short tons, the highest level of coal exports in over twenty years.⁸⁶ Just over a decade later, in 2025, the United States is set to export more fossil fuels than ever before.⁸⁷ Since President Trump lifted moratoria on new liquefied natural gas (“LNG”) export permits,⁸⁸ DOE has authorized new permits for the export of more than 9.5 billion cubic feet of

⁸² Congressional Research Service, *Export-Import Bank Financing of Fossil Fuel Projects* (Nov. 18, 2024), <https://www.congress.gov/crs-product/IF12819>.

⁸³ Yale E260 Digest, *U.S. Spending Bill to Grant \$40 Billion in Fossil Fuel Subsidies* (Sept. 16, 2025), <https://e360.yale.edu/digest/republican-spending-bill-fossil-fuel-subsidies>.

⁸⁴ Lazard, *Levelized Cost of Energy+* (June 2025), <https://www.lazard.com/media/uoounhon4/lazards-lcoeplus-june-2025.pdf>.

⁸⁵ Federal Defendants’ Answer to 2d Am. Compl. ¶ 181.

⁸⁶ Federal Defendants’ Answer to 2d Am. Compl. ¶ 184.

⁸⁷ See, e.g., Don Jenkins, *U.S. Sets Record for Exporting Energy, Mostly Fossil Fuels*, Capital Press (Aug. 13, 2025), <https://capitalpress.com/2025/08/13/u-s-sets-record-for-exporting-energy-mostly-fossil-fuels/>; Clark Savage, *Secretaries Doug Burgum and Chris Wright Tell Europe the U.S. Will Double Gas Exports in 5 Years*, Energy News Beat (Sep. 11, 2025), <https://energynewsbeat.co/secretaries-doug-burgum-and-chris-wright-tell-europe-the-u-s-will-double-gas-exports-in-5-years/>.

⁸⁸ See, e.g., *Unleashing American Energy*, Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy>; *Declaring a National Energy Emergency*, Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

LNG per day.⁸⁹ According to DOE, a new U.S. project exporting 4 billion cubic feet of LNG per day “would yield more annual greenhouse gas emissions by itself than 141 of the world’s countries each did in 2023.”⁹⁰ The United States is now the top producer of oil and gas in the world.⁹¹

32. Fourth, the U.S. has **authorized and promoted the combustion of fossil fuels**. It built a national highway system that encouraged longer commutes and suburban sprawl to ensure dependence on fossil fuel-based vehicles,⁹² making transportation the biggest source of U.S. GHG emissions.⁹³ As it admitted in its Answer, in 2012 petroleum was the single largest source of energy consumption.⁹⁴ That same year, “United States CO₂ equivalent emissions from transportation were approximately 1,780 million metric tons.”⁹⁵ The Department of Transportation (“DOT”) did not change fuel efficiency standards for passenger cars for twenty years between 1990 and 2010.⁹⁶ From 1996-2014, through tax breaks, the United States subsidized the purchase, and thus increased demand for, vehicles weighing more than 6,000 pounds, including sport utility vehicles

⁸⁹ U.S. Dep’t of Energy, *Energy Secretary Wright Testifies Before House Appropriations Subcommittee on FY2026 Budget Request*, Energy.gov (May 8, 2025), <https://www.energy.gov/articles/energy-secretary-wright-testifies-house-appropriations-subcommittee-fy2026-budget-request>.

⁹⁰ U.S. Dep’t of Energy, *U.S. Department of Energy Completes LNG Study Update, Announces 60-Day Comment Period* (Dec. 17, 2024), <https://web.archive.org/web/20250201102841/https://www.energy.gov/articles/us-department-energy-completes-lng-study-update-announces-60-day-comment-period>; *see also* Russel L. Honoré, *Methane Leaks Are Supercharging the Climate Crisis — Here’s What We Must Do, Now*, The Hill (Dec. 31, 2024), <https://thehill.com/opinion/energy-environment/5060288-methane-emissions-climate-change/>.

⁹¹ U.S. Energy Info. Admin, *The United States Remained the World’s Largest Liquefied Natural Gas Exporter in 2024* (Mar. 27, 2025), <https://www.eia.gov/todayinenergy/detail.php?id=64844>; U.S. Energy Info. Admin, *United States Produces More Crude Oil Than Any Country, Ever* (Mar. 11, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=61545>.

⁹² Gregory L. Schneider, *National Highway Act, 1956, Dwight D. Eisenhower, Interstate Highways, Infrastructure, Transportation, Economic Growth, Suburbanization, Bill of Rights Institute*, <https://billofrightsinstitute.org/essays/the-national-highway-act>; Union of Concerned Scientists, *Freedom to Move: Investing in Transportation Choices for a Clean, Prosperous, and Just Future*, 15-23 (2024), <https://www.ucsusa.org/node/15594>.

⁹³ U.S. Env’t Prot. Agency, *Sources of Greenhouse Gas Emissions* (Mar. 31, 2025), available at <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions> (accessed Aug. 21, 2025).

⁹⁴ Federal Defendants’ Answer to 2d Am. Compl. ¶ 186.

⁹⁵ Federal Defendants’ Answer to 2d Am. Compl. ¶ 191.

⁹⁶ U.S. Dep’t of Transp., Nat’l Highway Traffic Safety Admin., *Summary of Fuel Economy Performance (Public Version)*, No. NVS-220 (2014), <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/performance-summary-report-12152014-v2.pdf>.

(“SUVs”).⁹⁷ SUVs are less fuel-efficient and emit more CO₂ per mile than lighter-weight vehicles, other factors held equal.⁹⁸ The U.S. also refused to regulate carbon pollution under the federal Clean Air Act, until the U.S. Supreme Court compelled it to do so in 2007.⁹⁹ Today, the United States still lacks a federal climate law and is proposing to overturn the scientific Endangerment Finding that made its current GHG regulations on automobiles possible.¹⁰⁰

33. Since the new administration took office in January 2025 and single-handedly and illegally implemented U.S. law to favor fossil fuels and block wind, solar, storage and EVs and climate science research and data collection, the U.S. assault on the global climate knows no bounds.¹⁰¹ DOT rescinded all policies, regulations, and funding agreements “which reference or relate in any way to climate change” or “‘greenhouse gas’ emissions.”¹⁰² Federal agencies froze and revoked grants to states and civil society across the country to implement solar and wind power

⁹⁷ See, e.g., Carrie M. Dupic, *The SUV Tax Loophole: Today's Quintessential Suburban Passenger Vehicle Becomes Small Businesses' Quintessential Tax Break*, 9:3 Lewis & Clark L. Rev. 669 (2005), <https://law.lclark.edu/live/files/9689-lcb93duplicpdf>.

⁹⁸ Elizabeth Smith et al., *Greenhouse Gas Reductions Driven by Vehicle Electrification Across Powertrains, Classes, Locations, and Use Patterns*, *Env't Science Tech.* in press (2025), <https://pubs.acs.org/doi/10.1021/acs.est.5c05406>.

⁹⁹ See *Massachusetts v. Env't Prot. Agency*, 549 U.S. 497, 528-29, 533 (2007) (concluding that GHGs, including carbon dioxide, fit within the Clean Air Act's broad definition of “air pollutant,” and the EPA did have the authority to regulate these emissions and could not use policy-based reasons to refuse. The EPA was required to determine whether GHGs endanger public health and welfare, and if so, regulate them.).

¹⁰⁰ *Env't Prot. Agency, Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36288 (Aug. 1, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-08-01/pdf/2025-14572.pdf>.

¹⁰¹ This Petition follows the exhaustion of remedies in *Juliana v. United States* and focuses on the U.S. government's longstanding knowledge of the dangers of climate change, its systemic energy policies and practices in disregard of that knowledge for over five decades, the DOJ's extraordinary efforts to block the *Juliana* Plaintiffs' access to justice, and the U.S. courts denial of justice. While centered on historic knowledge and decades of systemic actions that caused harm to Petitioners' rights, it is important to alert the Commission to the present circumstances in the United States. These circumstances would be fundamentally different had Petitioners been afforded the opportunity to present their evidence before a trial court and secure meaningful judicial review and redress in the form of required emissions reductions, which would have prevented the new executive policies of the Trump administration, aimed at “unleashing fossil fuels” and blocking wind and solar energy. A different case, *Lighthiser v. Trump*, currently pending in U.S. courts, focuses narrowly on enjoining three specific executive orders signed in 2025, but does not address the prior decades of systemic government-wide policies and practices challenged in *Juliana*. No. 25-cv-0054 (D. Mont May 29, 2025).

¹⁰² U.S. Dep't of Transp., Office of the Sec'y, *Memorandum, Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and Gender* (Jan. 29, 2025), https://www.transportation.gov/sites/dot.gov/files/2025-01/Signed%20Secretarial%20Memo_%20Implementation%20of%20Executive%20Orders%20Addressing%20Energy%20Climate%20Change%20Diversity%20and%20Gender.pdf.

and electric vehicles nationwide,¹⁰³ and used emergency powers to order coal, oil, and gas-fired plants that were slated for closure to remain open.¹⁰⁴ The administration has taken steps to strip EPA of its legal authority to regulate greenhouse gases as a pollutant¹⁰⁵ and to dismantle GHG pollution limits on oil, gas, and coal facilities.¹⁰⁶ EPA stopped enforcing oil and gas facilities' pollution permit violations¹⁰⁷ and exempted coal plants from rules regulating hazardous air pollutants,¹⁰⁸ thereby keeping many coal plants open that otherwise would have closed due to the expense of installing pollution controls.

¹⁰³ *Unleashing American Energy*, Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy> (executive order ordering the grants to be frozen); Claire Brown, *E.P.A. Grant Recipients Find Their Funds Frozen, With No Explanation*, The New York Times, Mar. 11, 2025, <https://www.nytimes.com/2025/03/11/climate/epa-grant-recipients-funding-freeze.html>; U.S. Env't Prot. Agency, *EPA Administrator Lee Zeldin Cancels 400+ Grants in 4th Round of Cuts with DOGE, Saving Americans More than \$1.7B* (Mar. 10, 2025), <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-cancels-400-grants-4th-round-cuts-doge-saving-americans>; Testimony of Lee Zeldin, Administrator U.S. Env't Prot. Agency, Before the U.S. House of Rep. Comm. on Energy & Commerce Subcomm. on Env't (May 20, 2025); Maxine Joselow, *E.P.A. Moves to Cancel \$7 Billion in Grants for Solar Energy*, The New York Times, Aug. 5, 2025, <https://www.nytimes.com/2025/08/05/climate/epa-cancels-solar-energy-grants.html>.

¹⁰⁴ *Unleashing American Energy*, Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy> (executive order ordering the grants to be frozen); *Declaring a National Energy Emergency*, Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 29, 2025); *Reinvigorating America's Beautiful Clean Coal Industry*, Exec. Order No. 14261, 90 Fed. Reg. 15517 (Apr. 14, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-04-14/pdf/2025-06380.pdf>; *A Michigan Coal Plant Was about to Close. Trump Ordered It to Stay Open*, Canary Media (May 26, 2025), <https://www.canarymedia.com/articles/politics/a-michigan-coal-plant-was-about-to-close-trump-ordered-it-to-stay-open> (original order); Carol Thompson, *DOE Extends Order Keeping Michigan Coal Plant Open*, The Detroit News, <https://www.detroitnews.com/story/news/local/michigan/2025/08/21/trump-administration-extends-order-keeping-michigan-coal-plant-open/85748180007/> (renewing the order).

¹⁰⁵ Lisa Friedman, *E.P.A. Is Said to Draft a Plan to End Its Ability to Fight Climate Change*, The New York Times, July 22, 2025, <https://www.nytimes.com/2025/07/22/climate/epa-endangerment-finding-rescind.html>.

¹⁰⁶ U.S. Env't Prot. Agency, *Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units, Proposed Rule*, 90 Fed. Reg. 25752 (June 17, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-06-17/pdf/2025-10991.pdf>.

¹⁰⁷ Memorandum from Jeffrey A. Hall re Implementing National Enforcement and Compliance Initiatives Consistently with Executive Orders and Agency Priorities (Mar. 12, 2025), <https://www.epa.gov/system/files/documents/2025-03/necimemo-20250312.pdf>; U.S. Env't Prot. Agency, *EPA Launches Biggest Deregulatory Action in U.S. History* (Mar. 12, 2025), <https://www.epa.gov/newsreleases/epa-launches-biggest-deregulatory-action-us-history> (EPA announcement); Rene Marsh & Ella Nilsen, *The Trump EPA is Telling Some Staff to Stop Policing the Oil and Gas Industry*, CNN (June 16, 2025), <https://edition.cnn.com/politics/epa-stop-policing-oil-and-gas-midwest>.

¹⁰⁸ Hiroko Tabuchi, *E.P.A. Offers a Way to Avoid Clean-Air Rules: Send an Email*, The New York Times, Mar. 27, 2025, <https://www.nytimes.com/2025/03/27/climate/epa-air-pollution-exemption-mercury-coal-ash.html>; U.S. Env't Prot. Agency, *Clean Air Act Section 112 Presidential Exemption Information*, Mar. 24, 2025, <https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information>.

34. U.S. officials have vowed to “driv[e] a dagger straight into the heart of the climate change religion.”¹⁰⁹ In February 2025, the White House ordered all government scientists to stop work on the Intergovernmental Panel on Climate Change (“IPCC”), including the National Aeronautics and Space Administration (“NASA”)’s chief scientist Kate Calvin, who was supposed to chair an IPCC meeting in China the following week.¹¹⁰ The government dismissed all members of EPA’s Clean Air Scientific Advisory Committee,¹¹¹ closed EPA’s main research office,¹¹² and carried out mass firings at the National Oceanic and Atmospheric Administration (“NOAA”)¹¹³ and the National Science Foundation (“NSF”).¹¹⁴ It also deleted the website containing national climate assessments and disbanded work on the next national climate assessment, preventing state and local governments from accessing necessary information to protect their populations.¹¹⁵ It then stopped updating a database of supply chain greenhouse gas emission factors,¹¹⁶ announced it was

¹⁰⁹ U.S. Env’t Prot. Agency, *EPA Launches Biggest Deregulatory Action in U.S. History* (Mar. 12, 2025), <https://www.epa.gov/newsreleases/epa-launches-biggest-deregulatory-action-us-history>.

¹¹⁰ Ella Nilsen & Laura Paddison, *Trump Bars Federal Scientists from Working on Pivotal Global Climate Report*, CNN (Feb. 21, 2025), <https://www.cnn.com/2025/02/21/climate/trump-blocks-scientists-ipcc>.

¹¹¹ Zack Budryk, *EPA Dismisses Clean Air, Science Advisory Boards*, The Hill (Jan. 30, 2025), <https://thehill.com/policy/energy-environment/5116562-trump-administration-dismisses-epa-committees/>.

¹¹² Jean Chemnick, *EPA Reorganization Signals End to Climate Work*, E&E News by Politico (May 5, 2025), <https://www.eenews.net/articles/epa-reorganization-signals-end-to-climate-work/>.

¹¹³ Paul Voosen, *NOAA Firings Hit the Birthplace of Weather and Climate Forecasting*, Science, <https://www.science.org/content/article/noaa-firings-hit-birthplace-weather-and-climate-forecasting>; Mya Trujillo, *The Fight to Preserve NOAA: Scientists Rally to Save Key Climate and Ocean Research*, The Washington Informer (June 11, 2025), <https://www.washingtoninformer.com/noaa-employees-laid-off-trump-cuts/>; Dennis Pillion, *NOAA Cuts Weather Balloon Launches Due to Staff Shortages After DOGE Layoffs*, Inside Climate News, Mar. 25, 2025, <https://insideclimatenews.org/news/25032025/noaa-cuts-weather-balloon-launches-due-to-staff-shortages-after-doge-layoffs/>; Scott Dance & Kasha Patel, *Trump Fired Hundreds at NOAA, Weather Service. Here’s What That Means for Forecasts*, The Washington Post, Mar. 1, 2025, <https://www.washingtonpost.com/weather/2025/03/01/trump-firings-noaa-nws-weather-forecast-impacts/>.

¹¹⁴ Jonathan Lambert, *National Science Foundation Fires Roughly 10% of Its Workforce*, NPR, Feb. 18, 2025, <https://www.npr.org/2025/02/18/nx-s1-5301049/national-science-foundation-fires-roughly-10-of-its-workforce>; *NSF Faces Radical Shake-up as Officials Abolish Its 37 Divisions*, Science, <https://www.science.org/content/article/exclusive-nsf-faces-radical-shake-officials-abolish-its-37-divisions> (last visited Sept. 17, 2025).

¹¹⁵ Chelsea Harvey, *Top Website for Crucial U.S. Climate Information Goes Dark*, Sci. Am. (Sept. 17, 2025), <https://www.scientificamerican.com/article/u-s-national-climate-assessments-website-goes-dark/>; Dharna Noor & Gabrielle Canon, *White House Ends Funding for Key US Climate Body: ‘No Coming Back from This,’* The Guardian (Apr. 9, 2025), <https://www.theguardian.com/us-news/2025/apr/09/trump-national-climate-assessment-usgcrf>.

¹¹⁶ Harry Stevens, *Popular E.P.A. Database Is in Limbo Amid Science Cuts*, The New York Times (Aug. 8, 2025), <https://www.nytimes.com/2025/08/08/climate/epa-database-useio-greenhouse-gases.html>.

ending the Greenhouse Gas Reporting Program, and retired the federal government’s database of billion-dollar disasters.¹¹⁷ Hundreds of government-affiliated scientists have openly condemned the federal government’s destruction of climate science.¹¹⁸ And the administration is planning to eliminate CO₂ monitoring stations and satellites and eliminate reporting requirements for thousands of polluting industries.¹¹⁹

C. Anthropogenic Greenhouse Gas Emissions and the Resulting Climate Change Cause Human Rights Violations and Disproportionally Harm Children and Youth

35. **Climate science establishes** that *every tonne* of CO₂ emitted worsens the harms of climate change, especially on children and youth.¹²⁰ The U.S. admits that climate change affects rights to health, life, and property:

- a) “[T]here is **scientific consensus** that the buildup of GHGs (including CO₂) due to human activities (including the combustion of fossil fuels) is changing the global climate at a pace and in a way that **threatens human health and the natural environment**.”¹²¹

¹¹⁷ *Billion Dollar Weather and Climate Disasters*, National Environmental Satellite, Data, and Information Service (Sept. 16, 2025), <https://www.nesdis.noaa.gov/news/billion-dollar-weather-and-climate-disasters>.

¹¹⁸ *Unleashing American Energy*, Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy>; Public Statement on Supporting Science for the Benefit of All Citizens, https://docs.google.com/document/d/13gmMJOMsoNKC4U-A8rhJrzu_xhgS51PEfNMPG9Q_cmE/edit?tab=t.0#heading=h.hxv4bqjbms3r; Jessica Glenza, *More than 1,900 Scientists Write Letter in ‘SOS’ Over Trump’s Attacks on Science*, The Guardian (Mar. 31, 2025), <https://www.theguardian.com/us-news/2025/mar/31/scientists-letter-trump-administration>; July 21, 2025 Letter to Interim Administrator Duff, The NASA Voyager Declaration, Stand up for Science, <https://www.standupforscience.net/nasa-voyager-declaration>; June 30, 2025 Letter to Administrator Zeldin, Stand up for Science, <https://www.standupforscience.net/epa-declaration> (last visited Sept. 18, 2025); Maxine Joselow, *EPA Suspends 144 Employees After They Signed a Letter Criticizing Trump*, The New York Times (July 3, 2025), https://www.nytimes.com/2025/07/03/climate/epa-letter-administrative-leave.html?unlocked_article_code=1.Uk8.JNZf.c2Elx1TUb-2S&smid=url-share

¹¹⁹ Nicholas Kusnetz, *Will NASA Kill a Pair of Critical Climate Satellites?* Inside Climate News (Sept. 8, 2025), <https://insideclimatenews.org/news/08092025/nasa-carbon-dioxide-satellites-trump/>.

¹²⁰ IPCC, *Summary For Policymakers*, in Climate Change 2021: The Physical Science Basis: Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (2021) (“With every additional increment of global warming, changes in extremes continue to become larger [...]. There will be an increasing occurrence of some extreme events unprecedented in the observational record with additional global warming”), https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf; IPCC, *Summary for Policymakers*, in Climate Change 2023: Synthesis Report, 1-34 (2023); *see, e.g.*, 12, B.1 (“Every increment of global warming will intensify multiple and concurrent hazards (*high confidence*)”); *see also* B.1.3, Figure SPM.2, B.2, B.2.2, Figure SPM.4, C.1.1, and Figure SPM.6, https://bit.ly/IPCC_ar6; *see also* *Held v. Montana*, No. CDV-2020-307, 2023 WL 5229257, at *39 (Mont. 1st Jud. Dist. Ct. Aug. 14, 2023).

¹²¹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 202 (emphasis added).

- b) Greenhouse-gas pollution “**endangers the public health and welfare** of current and future generations and thus requires [...] regulation.”¹²²
- c) “[C]urrent and projected atmospheric concentrations of six well-mixed GHGs, including CO₂, threaten the **public health and welfare of current and future generations**, and this threat will mount over time as GHGs continue to accumulate in the atmosphere and result in ever greater rates of climate change.”¹²³ “[T]he more rapid the rate of climate change, the more challenging it is for humans and natural systems to adapt to it.”¹²⁴
- d) “[C]limate change is likely to be associated with an **increase in** allergies, asthma, cancer, cardiovascular disease, stroke, heat-related morbidity and mortality, food-borne diseases, injuries, toxic exposures, mental health and stress disorders, and neurological diseases and disorders relative to a future without that climate change.”¹²⁵
- e) “[C]limate change impacts **endanger human health** by affecting the air humans breathe, food and water sources, and human interactions with built and natural environments. [...] climate **change increases the prevalence and geographic distribution of occurrences of some infectious diseases**.”¹²⁶
- f) “[C]limate change is **damaging human and natural systems, increasing the risk of loss of life**, and requiring adaptation on larger and faster scales than current species have successfully achieved in the past, potentially increasing the risk of extinction or severe disruption for many species.”¹²⁷
- g) “Increased wildfires, shifting precipitation patterns, higher temperatures, and drought conditions also **threaten forest industries and private property**.”¹²⁸
- h) “Without taking adaptation measures, unmitigated climate change is projected to result in **\$3.6 trillion in damages for coastal property** due to sea level rise, but that when adaptation measures are taken damages can be reduced to \$800 billion (including the cost of the adaptation measures).”¹²⁹

36. The U.S. also admits that climate is causing, has caused, or will cause:

¹²² Federal Defendants’ Answer to 2d Am. Compl. ¶ 5 (emphasis added); *see also* ¶¶ 207, 213, 216.

¹²³ Federal Defendants’ Answer to 2d Am. Compl. ¶ 213 (emphasis added).

¹²⁴ Federal Defendants’ Answer to 2d Am. Compl. ¶ 211 (emphasis added).

¹²⁵ Federal Defendants’ Answer to 2d Am. Compl. ¶ 237 (emphasis added).

¹²⁶ Federal Defendants’ Answer to 2d Am. Compl. ¶ 237 (emphasis added).

¹²⁷ Federal Defendants’ Answer to 2d Am. Compl. ¶ 213 (emphasis added).

¹²⁸ Federal Defendants’ Answer to 2d Am. Compl. ¶ 229 (emphasis added); *see also* 2d Am. Compl. ¶ 229.

¹²⁹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 253 (emphasis added).

- a) Unprecedented and rapid **sea level rise**, causing flooding in many communities, loss of wetlands, and increased salinity of near-coastal estuaries and aquifers.¹³⁰
- b) “[I]ncreases in **hurricane intensity and increased frequency of intense storms** and heavy precipitation;” “the number of very heavy precipitation events has been significantly above average since 1991.”¹³¹
- c) “[M]ore intense droughts” and increased droughts “across most of the central and southern United States—even in regions with increasing precipitation.”¹³²
- d) “[P]rolonged heat events in recent years [that] have been the most extreme on record;”¹³³ “projections under a higher-emissions scenario suggest that the number of heat-wave days will increase in U.S. cities, resulting in more deaths relative to a future without climate change.”¹³⁴ An EPA study projected that “under very high emissions, increases in extreme heat would lead to unsuitable working conditions and a large negative impact on United States labor hours—specifically, a decrease of 1.9 billion labor hours, with about \$160 billion in lost wages in 2090, and under a moderate emissions scenario, a decrease of 1.0 billion labor hours, with about \$85 billion in lost wages in 2090.”¹³⁵
- e) “[C]onsequences for food security. [...] [C]limate change is predicted to decrease crop yield, increase crop prices, and decrease the concentrations of protein and essential minerals in crops such as wheat and rice, which lowers these crops’ nutritional value.”¹³⁶
- f) An increase in **surface ocean acidity of about 30 percent** as the “oceans have absorbed about 28 percent of the CO₂ produced by human activities over the past 250 years.”¹³⁷ “[O]cean acidity is increasing at a rate 50 times faster than observed in at least the past 100,000 years [and] [...] increased acidity makes it more difficult for certain organisms to build and maintain their skeletons and shells” putting them “at risk” and “impacting larger ecosystems.”¹³⁸ “[U]nder some high-emission scenarios [...] surface ocean waters could be nearly 150 percent more acidic and [...] the oceans have probably not experienced this rate of change in pH for 100 million years.”¹³⁹ “[C]limate change and ocean acidification threaten the survival of plants, fish, and wildlife, and also threaten biodiversity. [...] [T]here is an increase in the risk of species extinctions due to the rate of climate change and ocean acidification[;] [...] many species will face changes in abundance,

¹³⁰ Federal Defendants’ Answer to 2d Am. Compl. ¶¶ 218-19 (emphasis added).

¹³¹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 220 (emphasis added).

¹³² Federal Defendants’ Answer to 2d Am. Compl. ¶ 221 (emphasis added).

¹³³ Federal Defendants’ Answer to 2d Am. Compl. ¶ 221 (emphasis added).

¹³⁴ Federal Defendants’ Answer to 2d Am. Compl. ¶ 247.

¹³⁵ Federal Defendants’ Answer to 2d Am. Compl. ¶ 254.

¹³⁶ Federal Defendants’ Answer to 2d Am. Compl. ¶ 228 (emphasis added).

¹³⁷ Federal Defendants’ Answer to 2d Am. Compl. ¶ 230.

¹³⁸ Federal Defendants’ Answer to 2d Am. Compl. ¶ 231.

¹³⁹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 232.

distribution, and species interactions, and [...] some of these changes will have adverse impacts for ecosystems and humans.”¹⁴⁰

- g) Extensive **coral bleaching** and dramatic loss of shallow coral cover.¹⁴¹
- h) **Reduction in water supplies**, putting many freshwater species at risk.¹⁴²
- i) **Structural vulnerability** of an estimated 190,000 inland bridges by the end of the century, without reductions in GHGs.¹⁴³
- j) Trillions of dollars in potential costs and damages.¹⁴⁴

37. The IACtHR has underscored that these burdens **fall disproportionately on children**.¹⁴⁵ The Court recognized that “[a]lmost every child on earth is exposed to at least one climate and environmental hazard, [...] creating incredibly challenging environments for children to live, play and thrive,” and the U.S. science agencies, medical and scientific communities agree.¹⁴⁶

38. **Medical research confirms** that climate change disproportionately impairs child physical and mental health.¹⁴⁷ The World Health Organization estimates that 88% or more of the existing global disease burden attributable to climate change falls on children under five years old,

¹⁴⁰ Federal Defendants’ Answer to 2d Am. Compl. ¶ 235.

¹⁴¹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 234 (emphasis added).

¹⁴² Federal Defendants’ Answer to 2d Am. Compl. ¶ 249 (emphasis added).

¹⁴³ Federal Defendants’ Answer to 2d Am. Compl. ¶ 252 (emphasis added).

¹⁴⁴ Federal Defendants’ Answer to 2d Am. Compl. ¶ 253 (emphasis added).

¹⁴⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 597-604.

¹⁴⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597; U.S. Env’t Prot. Agency, *Climate Change and Children’s Health and Well-Being in the United States* (Apr. 2023), https://www.epa.gov/system/files/documents/2023-04/CLiME_Final%20Report.pdf; Brief of Amici Curiae Public Health Experts & Doctors in Support of Plaintiffs-Appellees Seeking Affirmance, *Held v. Montana*, No. DA 23-0575 (Mont. Mar. 31, 2024).

¹⁴⁷ *Amicus Curiae Submission from Our Children’s Trust et al., Request for an Advisory Opinion on the Climate Emergency and Human Rights*, Inter-Am. Ct. H.R. §§ IV, V, VI, Annex C (Dec. 13, 2023) [hereinafter I/A *Amicus*, OCT et al.], https://static1.squarespace.com/static/655a2d016eb74e41dc292ed5/t/657a0182e1880b5417feb13f/1702494611469/_2023.12.11+IACtHR+Amicus+Brief.pdf.

in both developed and developing countries,¹⁴⁸ and concludes that these “[e]ffects on children [...] are **already**—and are projected to continue to be—disproportionately heavy.”¹⁴⁹

39. Climate change disproportionately burdens child health in four primary ways. First, **children have distinct physiology**.¹⁵⁰ Children are not “small adults;” all their major vital organs are still developing.¹⁵¹ Their bodies respond differently when exposed to climate-induced heat, smoke, pollution, diseases, and stress. Children are thus more vulnerable to heat illness,¹⁵² the

¹⁴⁸ Samantha Ahdoot & Susan E Pacheco, *Global Climate Change and Children's Health*, 136 AAP 1468, 1470 (2015), <https://doi.org/10.1542/peds.2015-3233>; Perry E. Sheffield & Philip J. Landrigan, *Global Climate Change and Children's Health: Threats and Strategies for Prevention*, 119 Env't Health Persp. 291, 292, 296 (2011), <https://doi.org/10.1289/ehp.1002233>.

¹⁴⁹ Perry E. Sheffield & Philip J. Landrigan, *Global Climate Change and Children's Health: Threats and Strategies for Prevention*, 119 Env't Health Persp. 291, 296 (2011), <https://doi.org/10.1289/ehp.1002233> (emphasis added).

¹⁵⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597 (“children are physically and physiologically more vulnerable, they differ biologically from adults (for example, the different maturity of their organs and tissues”). See, e.g., Laura Anderko et al., *Climate Changes Reproductive and Children's Health: A Review of Risks, Exposures, and Impacts*, 87 Pediatric Res. 414 (2020), <https://doi.org/10.1038/s41390-019-0654-7>; Samantha Ahdoot et al., *Global Climate Change and Children's Health*, 136 Pediatrics e1468, e1470 (2015), <https://doi.org/10.1542/peds.2015-3233>; Expert Report of Lori G. Byron, MD, MS and Robert G. Byron, MD, MPH, *Held v. State*, No. CDV-2020-307, at 4 (Mont. 1st Dist. Ct. May 16, 2022) (available upon request).

¹⁵¹ Frederica Perera & Kari Nadeau, *Climate Change, Fossil-Fuel Pollution, and Children's Health*, 386 N ENG. J. MED. 2303 (2022), (“The fetus, infant, and child are uniquely vulnerable to climate-related environmental impacts and air pollution owing to a host of biologic and behavioral factors.”), <https://www.nejm.org/doi/pdf/10.1056/NEJMra2117706?articleTools=true>; Samantha Ahdoot et al., *Global Climate Change and Children's Health*, 136 Pediatrics e1468, e1470 (2015) (Children’s “immature physiology and metabolism; incomplete development; higher exposure to air, food, and water per unit body weight; unique behavior patterns; and dependence on caregivers place children at much higher risk of climate-related health burdens than adults”), <https://doi.org/10.1542/peds.2015-3233>; U.S. Env't Prot. Agency, *Climate Change and Children's Health and Well-Being in the United States* 36-37 (2023) (addressing a child’s respiratory system and brain development), https://www.epa.gov/system/files/documents/2023-04/CLiME_Final_Report.pdf; Zhiwei Xu et al., *Climate Change and Children's Health—A Call for Research on What Works to Protect Children*, 9 Int'l J. Env't Res. Pub. Health 3298, 3299 (2012) (“Climate change poses a significant threat to children’s health because children have unique metabolism, behavior, physiology and development characteristics.”), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3499869/pdf/ijerph-09-03298.pdf>; Maureen Andrew et al., *Maturation of the Hemostatic System During Childhood*, 80 Blood 1998, 2003 (1992) (“[T]he coagulation system in children is distinctly different from that in adults, and this difference must be considered physiologic.”), <https://doi.org/10.1182/blood.V80.8.1998.1998>.

¹⁵² Caroline J. Smith, *Pediatric Thermoregulation: Considerations in the Face of Global Climate Change*, 11 Nutrients 2010, 2-4, 6-7 (2019), <https://doi.org/10.3390/nu11092010>; Giovanni de Simone et al., *Stroke Volume and Cardiac Output in Normotensive Children and Adults*, 95 Circulation 1837 (1997), <https://doi.org/10.1161/01.CIR.95.7.1837>; see also Miklós Székely & János Garai, *Chapter 23 - Thermoregulation and Age*, 156 in *Handbook of Clinical Neurology* 377, 377, 379, 381, 384 (Andrej A. Romanovsky ed., 2018), <https://doi.org/10.1016/B978-0-444-63912-7.00023-0> (restricted access, available upon request).

effects of air pollution from burning fossil fuels,¹⁵³ malnourishment due to disruptions in food systems,¹⁵⁴ dying from numerous diseases including diarrheal illnesses due to droughts,¹⁵⁵ and they are more susceptible to lung damage and damage from neurotoxins.¹⁵⁶

40. Second, **children are in a formative window of psychosocial development.**¹⁵⁷ Exposure to severe stressors during childhood has a *stronger* and *longer-term* impact on a person's mental health going forward, than if the exposure had occurred during adulthood.¹⁵⁸ Thus, **preventing exposure to severe stressors**—including those brought on by climate change—is key to protecting child mental health.

41. Third, **children have more years of life ahead of them than adults do.** Thus, today's children will be exposed to a greater number (and greater severity) of adverse climate effects over the course of their lives than today's adults will.¹⁵⁹ **Children will also experience more health harms from climate change in the long term, through adulthood.** These long-term harms include permanent cognitive changes, predispositions to adult mental illnesses,¹⁶⁰ and

¹⁵³ Samantha Ahdoot et al., *Global Climate Change and Children's Health*, 136 *Pediatrics* e1468, e1472 (2015), <https://doi.org/10.1542/peds.2015-3233>; see also *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597 (noting “concentrations of air pollutants that stunt brain and lung development and exacerbate respiratory conditions”).

¹⁵⁴ See, *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597; Laura Watson et al., *Centile Reference Chart for Resting Metabolic Rate through the Life Course*, 108 *Archives of Disease in Childhood* 545, 547 (2023), <https://adc.bmj.com/content/108/7/545>.

¹⁵⁵ See, e.g., Pin Wang et al., *Associations between Long-Term Drought and Diarrhea among Children under Five in Low- and Middle-Income Countries*, 13 *Nature Commc'ns* 3661 (2022), <https://doi.org/10.1038/s41467-022-31291-7>; Carolyn Kousky, *Impacts of Natural Disasters on Children*, 26 *The Future of Children* 73, 79-80 (2016), <https://files.eric.ed.gov/fulltext/EJ1101425.pdf>; World Health Organization, *Diarrhoeal Disease*, <https://www.who.int/news-room/fact-sheets/detail/diarrhoeal-disease> (last visited Sept. 18, 2025).

¹⁵⁶ American Lung Association, *Who is Most Affected by Outdoor Air Pollution?*, <https://www.lung.org/clean-air/outdoors/who-is-at-risk> (accessed Sept. 17, 2025); Mariam Arain et al., *Maturation of the Adolescent Brain*, 9 *Neuropsychiatric Disease & Treatment* 449, 459 (2013), <https://doi.org/10.2147/NDT.S39776>.

¹⁵⁷ Francis Vergunst & Helen L. Berry, *Climate Change and Children's Mental Health: A Developmental Perspective*, 10 *Clinical Psychological Sci.* 767, 768 (2022), <https://doi.org/10.1177/21677026211040787>; see also *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597.

¹⁵⁸ Francis Vergunst & Helen L. Berry, *Climate Change and Children's Mental Health: A Developmental Perspective*, 10 *Clinical Psychological Sci.* 767, 769-75 (2022), <https://doi.org/10.1177/21677026211040787>.

¹⁵⁹ See, e.g., Emmanuelle Arpin et al., *Climate Change and Child Health Inequality: A Review of Reviews*, 18 *Int'l J. Env't Res. & Pub. Health* 10896, 12 (2021), <https://doi.org/10.3390/ijerph182010896>.

¹⁶⁰ Francis Vergunst & Helen L. Berry, *Climate Change and Children's Mental Health: A Developmental Perspective*, 10 *Clinical Psychological Sci.* 767, 769 (2022), <https://doi.org/10.1177/21677026211040787>.

reduced educational achievement and earning potential which leads to poverty.¹⁶¹ Newborns are uniquely vulnerable to permanent harm. When mothers are exposed to heatwaves during pregnancy, it increases the risk that the newborn will be born preterm,¹⁶² with a lifelong disability,¹⁶³ or stillborn.¹⁶⁴ Maternal exposure to air pollution from fossil fuel development and combustion during pregnancy also harms newborn health, causing the newborn a range of permanent health impacts ranging from asthma to death.¹⁶⁵

42. Children are thus more susceptible than any other group to lifelong health effects arising from greenhouse gas pollution—pollution they had no part in creating.¹⁶⁶

D. Restoring Climate Balance is Possible

43. Apocalyptic climate harms are not inevitable. It is economically and technically feasible for the U.S. to power all of its energy needs with 100% renewable energy by no later than 2050, while improving protection of carbon sinks that naturally draw down excess carbon in the

¹⁶¹ Phoebe CM Williams et al., *Ethical Considerations Regarding the Effects of Climate Change and Planetary Health on Children*, 57 J. Pediatrics & Child Health 1775, 1778 (2021), <https://doi.org/10.1111/jpc.15704>.

¹⁶² Matthew Francis Chersich et al., *Associations between High Temperatures in Pregnancy and Risk of Preterm Birth, Low Birth Weight, and Stillbirths: Systematic Review and Meta-Analysis*, 371 BMJ m3811 (2020), <https://doi.org/10.1136/bmj.m3811>; Lara Cushing, Rachel Morello-Frosch & Alan Hubbard, *Extreme Heat and Its Association with Social Disparities in the Risk of Spontaneous Preterm Birth*, 36 Pediatric & Perinatal Epidemiology 13, 20 (2022), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/ppe.12834>.

¹⁶³ See, e.g., Christopher P. Howson et al., *Born Too Soon: Preterm Birth Matters*, 10 Reproductive Health 1 (2013), <http://www.reproductive-health-journal.com/content/10/S1/S1>.

¹⁶⁴ Matthew Francis Chersich et al., *Associations between High Temperatures in Pregnancy and Risk of Preterm Birth, Low Birth Weight, and Stillbirths: Systematic Review and Meta-Analysis*, 371 BMJ m3811 (2020), <https://doi.org/10.1136/bmj.m3811>; Jenna Kanner et al., *Ambient Temperature and Stillbirth: Risks Associated with Chronic Extreme Temperature and Acute Temperature Change*, 189 Env't Rsch. 109958 (2020), <https://doi.org/10.1016/j.envres.2020.109958> (restricted access, available upon request); Linn B. Strand, Adrian G. Barnett & Shilu Tong, *Maternal Exposure to Ambient Temperature and the Risks of Preterm Birth and Stillbirth in Brisbane, Australia*, 175 Am. J. Epidemiol 99 (2012) <https://doi.org/10.1093/aje/kwr404>.

¹⁶⁵ Insa Korten, Kathryn Ramsey & Philipp Latzin, *Air Pollution during Pregnancy and Lung Development in the Child*, 21 Pediatric Respiratory Revs. 38 (2017) <https://doi.org/10.1016/j.prrv.2016.08.008> (restricted access, available upon request).

¹⁶⁶ Helen Clark et al., *A Future for the World's Children? A WHO–UNICEF–Lancet Commission*, 395 The Lancet 605, 609 (2020), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)32540-1/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)32540-1/fulltext); Emmanuelle Arpin et al., *Climate Change and Child Health Inequality: A Review of Reviews*, 18 Int'l J. Env't Res. & Pub. Health 10896, 12 (2021) <https://doi.org/10.3390/ijerph182010896>; Anthony J McMichael, *Climate Change and Children: Health Risks of Abatement Inaction, Health Gains from Action*, 1 Children 99 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4928726/pdf/children-01-00099.pdf>.

atmosphere—and thereby take significant steps towards restoring the climate system to a level of stability that is safe for children.¹⁶⁷ The best available science indicates that States must reduce the annual mean concentration of atmospheric CO₂—from the 2024 level of greater than 425 parts per million (“ppm”)¹⁶⁸ (a level currently causing the majority of Earth’s temperature rise)¹⁶⁹ to 350 ppm or lower.¹⁷⁰ This ceiling, which is not in controversy, is known as the 350 ppm limit. Dozens of leading scientists from around the world, in multiple peer-reviewed articles, have identified 350 ppm as the maximum “safe” limit for CO₂, and no scientific body or journal—including the

¹⁶⁷ Mark Z. Jacobson, *Zero Air Pollution and Zero Carbon from all Energy at Low Cost and Without Blackouts in Variable Weather Throughout the US with 100% Wind-Water-Solar and Storage*, 184 *Renewable Energy* 430 (2022); Christen Breyer et al., *On the History and Future of 100% Renewable Energy Systems Research*, 10 *IEEE Access* (2022); Mark Z. Jacobson et al., *Energy, Health, and Climate Costs of Carbon-Capture and Direct-Air-Capture versus 100%-Wind-Water-Solar Climate Policies in 149 Countries*, 59 *Env’t Sci. Tech.* 3034 (2025).

¹⁶⁸ “Annual mean concentration of atmospheric CO₂” is the amount of carbon dioxide in the atmosphere. It is measured in parts per million (“ppm”). Ppm is the number of CO₂ molecules per million molecules of the air that sits 8-12 kilometers above the Earth’s surface. See NASA Global Climate Change, *Carbon Dioxide Concentration* | NASA Global Climate Change, Climate Change: Vital Signs of the Planet, <https://climate.nasa.gov/vital-signs/carbon-dioxide?intent=121> (last visited Sept. 18, 2025).

¹⁶⁹ The 1.2°C-1.3°C range noted here is the range in the 5-to-10-year mean from the three global temperature records that extend back to 1850: NOAA, Berkeley Earth, and Hadley Centre. The indeterminacy of global average temperature rise is one of the reasons temperatures make a poor metric for evaluating the extent of global warming. The difference in the temperature records—and, in turn, the temperature rises about preindustrial levels from NOAA, NASA, Hadley Centre, Copernicus, and Berkeley Earth—make it difficult to determine whether and when global temperature targets may have been breached. Measurements of atmospheric CO₂ are much more precise (datasets accessed Oct. 14, 2024); see also IPCC, *Summary for Policymakers*, in *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report* ¶ A.1.3 (2021) (The IPCC indicated a “likely range of total human caused global surface temperature increase [...] from 0.8°C to 1.3°C [...]”; however, this range is outdated.) https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf.

¹⁷⁰ See, e.g., James Hansen et al., *Target Atmospheric CO₂: Where Should Humanity Aim?*, 2 *The Open Atmospheric Sci. J.* 217, 217, 228-229 (2008), https://pubs.giss.nasa.gov/docs/2008/2008_Hansen_ha00410c.pdf; Johan Rockström et al., *A Safe Operating Space for Humanity*, 461 *Nature* 472 (2009), <https://www.nature.com/articles/461472a>; James Hansen et al., *Assessing “Dangerous Climate Change”: Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature*, 8 *PLOS ONE* e81648, 5 (2013), <https://doi.org/10.1371/journal.pone.0081648>; *Planetary Boundaries: Guiding Human Development on a Changing Planet*, 347 *Sci.* 736, 739 (2015), <https://www.science.org/doi/10.1126/science.1259855>; Katherine Richardson et al., *Earth beyond Six of Nine Planetary Boundaries*, 9 *Sci. Adv.* eadh2458, 2 (2023), <https://www.science.org/doi/10.1126/sciadv.adh2458>; and Johan Rockström et al., *Safe and Just Earth System Boundaries*, 619 *Nature* 102, 1-4 (2023), <https://www.nature.com/articles/s41586-023-06083-8>; IPCC, *Summary for Policymakers*, in *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report*, Fig. SPM.2 (2021), https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf.

IPCC—has published any scientific evidence indicating that a concentration *above* 350 ppm is safe.¹⁷¹

44. The Paris temperature goal of “[h]olding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels”¹⁷² is a product of political negotiation, not scientific necessity.¹⁷³ The European Court of Human Rights¹⁷⁴ and the IACtHR¹⁷⁵ have found that upholding this target is not sufficient to protect human rights, while the International Court of Justice recognized the scientific consensus that the 1.5°C temperature target is not safe,¹⁷⁶ and the

¹⁷¹ See, e.g., IPCC, *Global Warming of 1.5°C: An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* 44 (V. Masson-Delmotte et al. eds., Cambridge University Press 2018), <https://doi.org/10.1017/9781009157940> (“Warming of 1.5°C is not considered ‘safe’ [...] and poses significant risks to natural and human systems as compared to the current warming of 1°C (high confidence).”) https://www.ipcc.ch/site/assets/uploads/sites/2/2022/06/SR15_Full_Report_LR.pdf; Benjamin W. Abbott et al., *Accelerating the Renewable Energy Revolution to Get Back to the Holocene*, 11 *Earth’s Future* e2023EF003639 (2023), <https://doi.org/10.1029/2023EF003639>.

¹⁷² Paris Agreement, Dec. 12, 2015, T.I.A.S. No. 16-1104, art. 2, § 1(a).

¹⁷³ Andrea Rodgers, Lauren E Sancken & Jennifer Marlow, *The Injustice Of 1.5°C–2°C: The Need For A Scientifically Based Standard Of Fundamental Rights Protection In Constitutional Climate Change Cases*, 40 *Virginia Env’t Law J.* 102, 104 (2022), http://www.velj.org/uploads/1/2/7/0/12706894/40.2_va_envt_lj_rodgers_sancken_marlow_102_151.pdf; Béatrice Cointe & Hélène Guillemot, *A History of the 1.5°C Target - Cointe - 2023 - WIREs Climate Change - Wiley Online Library*, 14 *WIREs Climate Change* e824 (2023), <https://doi.org/10.1002/wcc.824>; Mark A. Maslin et al., *A Short History of the Successes and Failures of the International Climate Change Negotiations*, 5 *UCL Open: Env’t* 1, 5, 6 (2023), <https://doi.org/10.14324/111.444/ucloe.000059>; Reto Knutti et al., *A Scientific Critique of the Two-Degree Climate Change Target*, 9 *Nature Geosci.* 13, 13 (2016), <https://www.nature.com/articles/ngo2595>; Justin Gillis, *Paris Climate Talks Avoid Scientists’ Idea of ‘Carbon Budget,’* *The New York Times*, Nov. 28, 2015, <https://www.nytimes.com/2015/11/29/science/earth/paris-climate-talks-avoid-scientists-goal-of-carbon-budget.html> (accessed Oct. 14, 2024); Expert Report of James E. Hansen, D. Ct. Doc. 274-1, at 24, https://climatecasechart.com/wp-content/uploads/case-documents/2018/20180628_docket-615-cv-1517_exhibit-7.pdf.

¹⁷⁴ *KlimaSeniorinnen*, ¶¶ 114-15, 547 (Finding that the aims of the Paris Agreement “cannot of themselves suffice as a criterion for any assessment of Convention compliance of individual Contracting Parties to the Convention in this area,” “human caused climate change [is] already affecting many weather and climate extremes in every region across the globe, which ha[s] led to widespread adverse impacts and related losses and damages to nature and people” (emphasis added), and “every increment of global warming w[ill] intensify multiple and concurrent hazards.”).

¹⁷⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 198 (“the Court notes that, even if the targets are met, the limits to temperature increase established in the Paris Agreement are not sufficient to prevent the impact of climate change on human rights. The IPCC has warned that “warming of 1.5°C is not considered ‘safe’ for most nations, communities, ecosystems and sectors, and poses significant risks to natural and human systems.”) (emphasis added).

¹⁷⁶ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 73, 83 (“The consequences of climate change are severe and far-reaching; they affect both natural ecosystems and human populations. Rising temperatures are causing the melting of ice sheets and glaciers, leading to sea level rise and threatening coastal communities with unprecedented flooding.

International Tribunal for the Law of the Sea (“ITLOS”) found it was insufficient to comply with the legal obligation to take all necessary measures to prevent, reduce and control marine pollution from anthropogenic GHG emissions under the UN Convention on the Law of the Sea (“UNCLOS”).¹⁷⁷ While 1.5°C of warming is clearly preferable to any higher level of warming, the best available science from numerous studies as assessed by the IPCC warns that 1.5°C of warming poses significant risks to Earth’s systems and humanity,¹⁷⁸ and thus, 1.5°C should not be viewed as protective of fundamental human rights. Earth surpassed the 350 ppm limit in 1988, the year the United Nations established the IPCC.¹⁷⁹ Today—at approximately 75 ppm beyond that limit¹⁸⁰—Earth has been immersed in a concentration-overshoot scenario for 37 years. Research concludes that “[i]f the present overshoot of this target CO₂ is not brief, there is a possibility of seeding irreversible catastrophic effects.”¹⁸¹ The most concerning irreversible catastrophic effects

Extreme weather events, such as hurricanes, droughts and heatwaves, are becoming more frequent and intense, devastating agriculture, displacing populations and exacerbating water shortages. [...] Human life and health are also at risk, with an increased incidence of heat-related illnesses and the spread of climate-related diseases. These consequences underscore the urgent and existential threat posed by climate change. [...] The IPCC has also concluded with ‘very high confidence’ that risks and projected adverse impacts and related loss and damage from climate change will escalate with every increment of global warming. It added that these risks, projected adverse impacts and related loss and damage are ‘higher for global warming of 1.5°C than at present, and even higher at 2°C’. Indeed, in 2018, the IPCC concluded with high confidence that ‘[w]arming of 1.5°C is not considered ‘safe’ for most nations, communities, ecosystems and sectors and poses significant risks to natural and human systems’”) (internal citations omitted).

¹⁷⁷ *Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law* (Advisory Opinion), Case No. 31 (ITLOS May 21, 2024), in ITLOS Rep. 2024 ¶ 223. (“The Tribunal does not consider that the obligation under article 194, paragraph 1, of the Convention would be satisfied simply by complying with the obligations and commitments under the Paris Agreement.”).

¹⁷⁸ IPCC, *Global Warming of 1.5°C: An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* 44 (V. Masson-Delmotte et al. eds., Cambridge University Press 2018); IPCC, *Summary for Policymakers*, in *Climate Change 2023: Synthesis Report* (2023), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf; and IPCC, *Longer Report*, in *Climate Change 2023: Synthesis Report* (2023), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf.

¹⁷⁹ Nat’l Oceanic & Atmospheric Admin., *Trends in Atmospheric Carbon Dioxide (CO₂)*, NOAA Global Monitoring Lab, <https://gml.noaa.gov/ccgg/trends/index.html> (last visited Sept. 18, 2025).

¹⁸⁰ Nat’l Oceanic & Atmospheric Admin., *Trends in Atmospheric Carbon Dioxide (CO₂)*, NOAA Global Monitoring Lab, <https://gml.noaa.gov/ccgg/trends/index.html> (last visited Sept. 18, 2025).

¹⁸¹ See, e.g., James Hansen et al., *Target Atmospheric CO₂: Where Should Humanity Aim?*, 2 *The Open Atmospheric Sci. J.* 217, 217 (2008), https://pubs.giss.nasa.gov/docs/2008/2008_Hansen_ha00410c.pdf; Johan Rockström et al., *A Safe Operating Space for Humanity*, 461 *Nature* 472, 473 (2009) (“Transgressing these boundaries will increase the

are climate tipping points,¹⁸² or “points of no return.”¹⁸³ If one tipping point is crossed, it increases the likelihood of triggering other tipping points, causing an unstoppable cascade of impacts.¹⁸⁴ This would further reinforce global warming, resulting in amplifying effects, and may make large areas of our planet uninhabitable for humanity.¹⁸⁵

45. It is possible to return atmospheric CO₂ to levels below 350 ppm by the end of the century, with further reductions thereafter.¹⁸⁶ To achieve this, States must prioritize two principal means: (i) phase out CO₂ emissions economy-wide, ending CO₂ emissions from fossil fuels (and minimize other greenhouse gas emissions) as soon as possible; and (ii) maximize the drawdown and subsequent storage of already-existing CO₂ pollution from the atmosphere through available, proven, and non-harmful processes.¹⁸⁷ Science has shown that transitioning to 100% renewable

risk of irreversible climate change [...].”) <https://www.nature.com/articles/461472a>; Katherine Richardson et al., *Earth beyond Six of Nine Planetary Boundaries*, 9 Sci. Adv. 9:1, 2 (2023) (“The 1.5°C target is one that science increasingly demonstrates is associated with substantial risk of triggering irreversible large change and that crossing tipping points cannot be excluded even at lower temperature increases”), <https://www.science.org/doi/10.1126/sciadv.adh2458>.

¹⁸² David I. Armstrong McKay et al., *Exceeding 1.5°C Global Warming Could Trigger Multiple Climate Tipping Points*, 377 Sci. 377:1-10, 1, 10 (2022) (“[E]ven the Paris Agreement goal of limiting warming to well below 2°C and preferably 1.5°C is not safe as 1.5°C and above risks crossing multiple tipping points. Crossing these [climate tipping points] can generate positive feedbacks that increase the likelihood of crossing other [climate tipping points]” and “The Earth may have left a safe climate state beyond 1°C global warming.”) <https://doi.org/10.1126/science.abn7950>.

¹⁸³ Alexandria Herr, Shannon Osaka & Maddie Stone, *The 7 Climate Tipping Points That Could Change the World Forever*, Grist, <https://grist.org/climate-tipping-points-amazon-greenland-boreal-forest/> (last visited Sept. 18, 2025).

¹⁸⁴ David I. Armstrong McKay et al., *Exceeding 1.5°C Global Warming Could Trigger Multiple Climate Tipping Points*, 377 Sci. 377:1-10, 1, 7 (2022) <https://doi.org/10.1126/science.abn7950>.

¹⁸⁵ See Will Steffen et al., *Trajectories of the Earth system in the Anthropocene*, 115 PNAS 8252, 8256 (2018), <https://www.pnas.org/doi/epdf/10.1073/pnas.1810141115>; see generally IPCC, *Full Report*, in Climate Change 2022: Impacts, Adaptation And Vulnerability (2022), https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_FullReport.pdf; David Wallace-Wells, *The Uninhabitable Earth: Life After Warming* (Trade paperback edition by Tim Duggan Books 2020), <https://www.crisrieder.org/thejourney/wp-content/uploads/2019/05/The-Uninhabitable-Earth-David-Wallace-Wells.pdf>.

¹⁸⁶ Mark Z. Jacobson, *Changes in CO₂ Through 2100 With and Without a Wind-Water-Solar (WWS) Transition*, in 100% Clean, Renewable Energy and Storage for Everything (2020); Christen Breyer et al., *On the History and Future of 100% Renewable Energy Systems Research*, 10 IEEE Access (2022).

¹⁸⁷ James Hansen et al., *Young People’s Burden: Requirement of Negative CO₂ Emissions*, 8 Earth Sys. Dynamics 577, 593, 595 (2017) (Because “the world has already overshoot appropriate targets for [greenhouse gas] amount, [...] we thus infer an urgent need for (1) rapid phasedown of fossil fuel emissions, (2) actions that drawdown atmospheric CO₂ [...]” and “[t]here is ‘no persuasive scientific reason to a priori reject as implausible a rapid phasedown of fossil fuel emissions.’”), <https://esd.copernicus.org/articles/8/577/2017/>; Expert Report of G. Philip Robertson, D. Ct. Doc. 263-1.

energy is possible, feasible and economically beneficial,¹⁸⁸ and that it is therefore possible for the U.S. to eliminate emissions before 2050, in line with best available science.¹⁸⁹ Yet the U.S. is currently on track to keep emitting through 2155.¹⁹⁰

E. Petitioners Are Youth Harmed by the U.S.’s Fossil Fuel Energy System Which Causes and Contributes to Climate Change

1. Youth Petitioners

46. The fifteen individual Youth Petitioners—Vic Barrett,¹⁹¹ Jaime Butler,¹⁹² Levi Draheim,¹⁹³ Jayden Foytlin,¹⁹⁴ Tia Marie Hatton, Alexander Wallace Loznak,¹⁹⁵ Avery McRae,¹⁹⁶ Miriam Oommen,¹⁹⁷ Aji Piper,¹⁹⁸ Xiuhtezcatl Tonatiuh Martinez,¹⁹⁹ Leo Van Ummersen,²⁰⁰ Nic Venner,²⁰¹ Isaac Vergun,²⁰² Miko Vergun,²⁰³ and Journey Zephier²⁰⁴—are each U.S. citizen Youth

¹⁸⁸ Mark Z. Jacobson et al., *Energy, Health, and Climate Costs of Carbon-Capture and Direct-Air Capture versus 100%-Wind-Water-Solar Climate Policies in 149 Countries*, 59 Env’t Sci. Tech. 3034 (2025); Mark Z. Jacobson et al., *Zero Air Pollution and Zero Carbon from all Energy at Low Cost and Without Blackouts in Variable Weather Throughout the US with 100% Wind-Water-Solar and Storage*, 184 Renewable Energy 430 (2022).

¹⁸⁹ Mark Z. Jacobson et al., *Zero Air Pollution and Zero Carbon from all Energy at Low Cost and Without Blackouts in Variable Weather Throughout the U.S. with 100% Wind-Water-Solar and Storage*, 184 Renewable Energy 430-442 (2022), available at <https://doi.org/10.1016/j.renene.2021.11.067>; Mark Z. Jacobson et al., *Energy, Health, and Climate Costs of Carbon Capture and Direct-Air-Capture Versus 100% Wind-Water-Solar Climate Policies in 149 Countries*, 59 Env’t Sci. & Tech. 3034 (2025), <https://web.stanford.edu/group/efmh/jacobson/Articles/I/149Country/149-Countries.pdf>.

¹⁹⁰ Mark Z. Jacobson et al., *Zero Air Pollution and Zero Carbon from all Energy at Low Cost and Without Blackouts in Variable Weather Throughout the U.S. with 100% Wind-Water-Solar and Storage*, 184 Renewable Energy 430-442 (2022), available at <https://doi.org/10.1016/j.renene.2021.11.067>; Mark Z. Jacobson et al., *Energy, Health, and Climate Costs of Carbon Capture and Direct-Air-Capture Versus 100% Wind-Water-Solar Climate Policies in 149 Countries*, 59 Env’t Sci. & Tech. 3034 (2025), <https://web.stanford.edu/group/efmh/jacobson/Articles/I/149Country/149-Countries.pdf>.

¹⁹¹ Within the *Juliana v. U.S.* proceedings, Vic Barrett is recorded as Victoria B.

¹⁹² Within the *Juliana v. U.S.* proceedings, Jaime Butler is recorded as Jaime B.

¹⁹³ Within the *Juliana v. U.S.* proceedings, Levi Draheim is recorded as Levi D.

¹⁹⁴ Within the *Juliana v. U.S.* proceedings, Jayden Foytlin is recorded as Jayden F.

¹⁹⁵ Within the *Juliana v. U.S.* proceedings, Alexander Wallace Loznak is recorded as Alexander Loznak.

¹⁹⁶ Within the *Juliana v. U.S.* proceedings, Avery McRae is recorded as Avery M.

¹⁹⁷ Within the *Juliana v. U.S.* proceedings, Miriam Oommen is recorded as Kiran Isaac Oommen.

¹⁹⁸ Within the *Juliana v. U.S.* proceedings, Aji Piper is recorded as Aji P.

¹⁹⁹ Within the *Juliana v. U.S.* proceedings, Xiuhtezcatl Tonatiuh Martinez is recorded as Xiuhtezcatl Tonatiuh M.

²⁰⁰ Within the *Juliana v. U.S.* proceedings, Leo Van Ummersen is recorded as Hazel V.

²⁰¹ Within the *Juliana v. U.S.* proceedings, Nic Venner is recorded as Nicholas V.

²⁰² Within the *Juliana v. U.S.* proceedings, Isaac Vergun is recorded as Isaac V.

²⁰³ Within the *Juliana v. U.S.* proceedings, Miko Vergun is recorded as Miko V.

²⁰⁴ Within the *Juliana v. U.S.* proceedings, Journey Zephier is recorded as Journey Z.

Plaintiffs who initiated the case, *Juliana v. United States*, on August 12, 2015, in the U.S. District Court for the District of Oregon.²⁰⁵

47. Petitioner **Vic Barrett** was sixteen years old and a resident of White Plains, New York, when the case was filed. Vic testified that he was harmed by Hurricane Sandy when he and his family lost power to their home and his school and city shut down, and that the increase in superstorms has caused him emotional distress.²⁰⁶ He has also been harmed by increasingly sweltering summer temperatures.²⁰⁷ Vic lived on low-lying land that is threatened by rising sea levels and more frequent storm surges.²⁰⁸ Vic is Honduran-American and belongs to the Afro-Indigenous Garifuna community that settled on the northern coast of Honduras hundreds of years ago.²⁰⁹ His and his family's traditional heritage, way of life, food sources, land, and home are critically endangered by sea level rise and extreme weather events.²¹⁰

48. Petitioner **Jaime Butler** was fourteen years old and a resident of Flagstaff, Arizona, when the case was filed. She is a member of the Navajo Nation and grew up on the Navajo Nation Reservation.²¹¹ Jaime testified that in 2011, she had to leave the reservation and move to Flagstaff because of drought and water scarcity.²¹² She remembers times when there was enough water on the reservation for agriculture and farm animals, but now the springs they once depended on year-round are drying up, and it is no longer possible to engage in the traditional farming activities that once sustained her community.²¹³ Participating in sacred Navajo ceremonies on the reservation is an important part of Jaime's life, but many of those ceremonies depend upon local natural resources

²⁰⁵ D. Ct. Doc. 1.

²⁰⁶ Decl. of Victoria B. ¶ 4, D. Ct. Doc. 41-9 [hereinafter Vic 2016 Decl.]; Appendix B.

²⁰⁷ Vic 2016 Decl. ¶ 5; Appendix B.

²⁰⁸ Vic 2016 Decl. ¶ 4; Appendix B.

²⁰⁹ Decl. of Victoria B. ¶ 6, D. Ct. Doc. 294 (under seal) [hereinafter Vic 2018 Decl.].

²¹⁰ Vic 2018 Decl. ¶¶ 6-7 (under seal).

²¹¹ Decl. of Jaime B. ¶ 2, D. Ct. Doc. 41-4 [hereinafter Jaime 2016 Decl.]; Appendix B.

²¹² Jaime 2016 Decl. ¶ 3; Appendix B.

²¹³ Jaime 2016 Decl. ¶¶ 3, 8; Appendix B.

that are in jeopardy because of climate change.²¹⁴ She fears for her family members, all of whom live on the reservation, who will also be displaced from their land, which will further erode her culture and way of life and disrupt her family and community connections.²¹⁵ In 2014, Jaime and her mother were evacuated from their home in Flagstaff for two days because of the Oak Creek Canyon fire.²¹⁶ Winds brought smoke and ash into their neighborhood.²¹⁷ With record-setting temperatures and a drought that has lasted several years, Jaime fears for her future and for the future of her family, their history, their cultural traditions, and their way of life.²¹⁸

49. Petitioner **Levi Draheim** was eight years old and a resident of Indian River, Florida, at the time the case was filed. He testified that the barrier island where he grew up often had mandatory hurricane evacuations and he and his family were forced to move inland to escape the extreme weather.²¹⁹ He and his family had to evacuate two years in a row, in 2016 and 2017, due to hurricanes, and his school was permanently closed because of storm damage.²²⁰ He also testified that he could no longer swim in the nearby Indian River Lagoon because of increasing flesh-eating bacteria and dead fish, which he and his family were able to smell.²²¹ He attested that his family's home has been damaged by flooding, sea level rise, and extreme weather events,²²² and he ultimately had to move inland to escape the rising seas.

²¹⁴ Jaime 2016 Decl. ¶ 3; Appendix B.

²¹⁵ Jaime 2016 Decl. ¶ 3; Appendix B.

²¹⁶ Jaime 2016 Decl. ¶ 6; Appendix B.

²¹⁷ Jaime 2016 Decl. ¶ 6; Appendix B.

²¹⁸ Jaime 2016 Decl. ¶ 10; Appendix B.

²¹⁹ Decl. of Levi D. ¶¶ 14-18, D. Ct. Doc. 287 (under seal) [hereinafter Levi 2018 Decl.].

²²⁰ Decl. of Levi D. ¶¶ 18-22, Ct. App. VI Doc. 21-5 [hereinafter Levi 2019 Decl.].

²²¹ Levi 2019 Decl. ¶ 13.

²²² Levi 2019 Decl. ¶¶ 3, 12-16.



Levi Draheim. Hurricane damage near his childhood home.

50. Petitioner **Jayden Foytlin** was twelve years old and a resident of Rayne, Louisiana when the case was filed. She testified that she experienced several extreme weather events—including a storm that ordinarily would happen once every 1,000 years—that flooded her home in 2016 and 2017.²²³ She testified: “At 5:00 a.m. on August 13, 2016, my siblings woke me up. I noticed there was water coming from under the door to my room. [...] When I stepped out of my bed, I stepped in water that came up to my ankles. I stepped right in the middle of climate change.”²²⁴ As the U.S. District Court observed, “[t]his has caused emotional trauma, lost recreational opportunities, as well as lost personal and economic security.”²²⁵

51. Petitioner **Tia Marie Hatton** was eighteen years old and a resident of Bend, Oregon, when the case was filed. She testified that extreme and previously rare weather events damaged her home.²²⁶ Warmer summer temperatures and forest fires have exacerbated her asthma

²²³ Decl. of Jayden F. ¶¶ 2-20, D. Ct. Doc. 78 [hereinafter Jayden 2016 Decl.]; Appendix B.

²²⁴ Jayden 2016 Decl. ¶ 5.

²²⁵ *Juliana v. United States*, 339 F.Supp.3d 1062, 1087-88 (2018).

²²⁶ Decl. of Tia H. ¶ 9, D. Ct. Doc. 293 (under seal) [hereinafter Tia 2018 Decl.].

attacks and allergies.²²⁷ Climate change has impacted her health and ability to engage in work and recreation.²²⁸ A former competitive skier and assistant ski coach, she has been deeply impacted by record low snowfall.²²⁹

52. Petitioner **Alexander Wallace Loznak** was eighteen years old and a resident of Oakland, Oregon, when the case was filed. He testified about the impacts of climate change on his family's farm, where he lived and grew up, and which was founded by his great-great-great-great grandmother over 150 years ago in 1868.²³⁰ Record-setting heat waves, drought, and fires have negatively impacted the farm and harmed his ability to work outside. In particular, heat waves and drought adversely impact the farm's productivity, including its hazelnut trees, and consequently harm his family's income.²³¹ Smoke from wildfires aggravates his asthma, which further hinders him from doing outdoor work on the farm.²³² Sea level rise, increasing water temperature, and ocean acidification have harmed his ability to fish for steelhead and salmon near his home and eat local fish from the Umpqua River and the nearby Pacific Ocean.²³³ Toxic algae blooms that have been documented in the Umpqua River pose a risk to him when he swims in the Umpqua near his home.²³⁴

53. Petitioner **Avery McRae** was ten years old and a resident of Eugene, Oregon, when the case was filed. Avery is now twenty years old. Higher temperatures, drought, low water levels, forest fires, algal blooms, reduced snowpack levels, sea level rise, and ocean acidification have

²²⁷ Tia 2018 Decl. ¶ 6 (under seal).

²²⁸ Tia 2018 Decl. ¶ 5 (under seal).

²²⁹ Tia 2018 Decl. ¶¶ 4-5 (under seal).

²³⁰ Decl. of Alexander Loznak ¶¶ 7, 10, D. Ct. Doc. 41-1 [hereinafter Alexander 2016 Decl.]; Appendix B; *see also* e-mail from Alexander to Kelly Matheson (Sept. 18, 2025) (on file with Our Children's Trust) [hereinafter Alexander e-mail].

²³¹ Alexander 2016 Decl. ¶¶ 11-19; Appendix B; *see also* Alexander e-mail.

²³² Alexander 2016 Decl. ¶ 35; Appendix B; *see also* Alexander e-mail.

²³³ Alexander 2016 Decl. ¶ 24; Appendix B; *see also* Alexander e-mail.

²³⁴ Alexander 2016 Decl. ¶ 25; Appendix B; *see also* Alexander e-mail.

caused her anxiety, made her volunteer work with animals difficult, and prevented her from participating in exercise and outdoor activities that are essential to her health and wellbeing.²³⁵ Hurricanes have forced her to evacuate from her university in Florida, miss classes for several weeks, and incur relocation expenses.²³⁶ During summers back home in Oregon, she now has to wear an N95 mask or respirator to protect her lungs from wildfire smoke, which feels claustrophobic in extremely high heat.²³⁷ In 2022, a wildfire destroyed a campground that was a core part of her childhood—where she had learned how to swim and ride a bike—and it is now too unsafe and emotionally distressing to visit.²³⁸ These experiences make Avery feel as if she cannot escape extreme climate events and that there is no safe place for her to live because of climate change.



Avery McRae. 2020 Wildfire Smoke, Eugene, Oregon.

54. Petitioner **Aji Piper** was fifteen years old and a resident of West Seattle, Washington, when the case was filed. He testified that in 2014, he experienced the worst wildfire in the state's recorded history while he was on a trip through the Cascade Mountains, and he was

²³⁵ Decl. of Avery M., Ct. App. VII Doc. 7.9 [hereinafter Avery 2024 Decl.]; Appendix B.

²³⁶ Avery 2024 Decl. ¶ 6; Appendix B.

²³⁷ Avery 2024 Decl. ¶¶ 5, 8; Appendix B.

²³⁸ Avery 2024 Decl. ¶ 5; Appendix B.

forced to breathe the smoke in the air.²³⁹ Aji has struggled to participate in his regular summer outdoor activities because of extremely high temperatures,²⁴⁰ and in the summer of 2017, he was not able to go outside at all due to smoke from wildfires.²⁴¹ The decreasing water quality in nearby Puget Sound is causing dead zones to occur, ocean acidification is killing fish and shellfish, and he is no longer able to eat local shellfish from Puget Sound due to toxicity levels.²⁴² He also testified that his participation in the court case to uphold his rights and the courts' refusal to hear his claims caused him a great deal of distress; he held off completing his high school degree to participate in the *Juliana* trial which never happened.²⁴³



Aji Piper in 2020

55. Petitioner **Miriam Oommen** was eighteen years old and a resident of Eugene, Oregon, when the case was filed. She testified that decreased water levels, rising temperatures,

²³⁹ Decl. of Aji P. ¶ 2, D. Ct. Doc. 297 (under seal) [hereinafter Aji 2018 Decl.].

²⁴⁰ Aji 2018 Decl. ¶ 4 (under seal).

²⁴¹ Aji 2018 Decl. ¶ 3 (under seal).

²⁴² Aji 2018 Decl. ¶¶ 5-6 (under seal).

²⁴³ Aji 2018 Decl. ¶¶ 1-12 (under seal).

ocean acidification, and reduced snowpack limited her ability to engage in her usual recreational activities and eat local Oregon produce and seafood.²⁴⁴

56. Petitioner **Xiuhtezcatl Tonatiuh Martinez** was fifteen years old and a resident of Boulder, Colorado, when the case was filed. Of Xochimilca descent, Xiuhtezcatl engages in sacred indigenous spiritual and cultural practices to honor and protect the Earth.²⁴⁵ Xiuhtezcatl testified that he has had to be evacuated multiple times because of forest fires near his home.²⁴⁶ He has suffered harm to his spiritual and cultural practices, as well as his personal safety, property, and recreational interests due to the increased frequency and intensity of wildfires, drought, declining snowpack, pine-beetle infested forests, and extreme flooding caused by climate change.²⁴⁷ In 2013, Xiuhtezcatl experienced unprecedented flooding, devastating his community in Boulder, Colorado.²⁴⁸



Pine-beetle infestation, outside of Boulder, Colorado, near Xiuhtezcatl's childhood home, 2011

57. Petitioner **Leo Van Ummersen** was eleven years old and a resident of Eugene, Oregon when the case was filed. They testified that increased temperatures, low water levels, and

²⁴⁴ Decl. of Kiran O., D. Ct. Doc. 286 (under seal) [hereinafter Miriam 2018 Decl.].

²⁴⁵ Decl. of Xiuhtezcatl Tonatiuh M. ¶ 6, D. Ct. Doc. 41-10 [hereinafter Xiuhtezcatl 2016 Decl.]; Appendix B.

²⁴⁶ Xiuhtezcatl 2016 Decl. ¶ 10; Appendix B.

²⁴⁷ Xiuhtezcatl 2016 Decl. ¶¶ 6-13.

²⁴⁸ Xiuhtezcatl 2016 Decl. ¶¶ 11.

abnormal seasonal variations, as well as increased surface and ocean temperatures, sea level rise, and ocean acidification prevented them from engaging in recreational activities and eating their favorite foods.²⁴⁹

58. Petitioner **Nic Venner** was fourteen years old and a resident of Lakewood, Colorado, when the case was filed. They testified that they suffer from asthma that is made worse by the number of very hot days and the extended wildfire and smoke season where they live.²⁵⁰ Pine beetles and wildfires have destroyed forests around their home, affected their mental and physical health, and their access to the food, forests, and waters they rely upon for life, sustenance, and happiness.²⁵¹

59. Petitioner **Isaac Vergun** was thirteen years old and a resident of Beaverton, Oregon, when the case was filed. He testified that wildfire smoke and heatwaves have exacerbated his asthma and that climate change threatens his physical health, hinders his ability to leave his home, limits his social interactions, and prevents him from participating in athletic activities.²⁵² In September of 2020, Isaac relocated from Oregon to Washington DC in part to escape the wildfires and smoke until it was safe to return home.²⁵³ Poor air quality from wildfire smoke and heatwaves where he studied in Washington, DC have sometimes prevented him from attending university classes and going outside.²⁵⁴ Other extreme weather events, such as flooding and snowstorms, have caused his classes to be cancelled.²⁵⁵

60. Petitioner **Miko Vergun** was fourteen years old and a resident of Beaverton, Oregon when the case was filed. Miko was born in the Marshall Islands, and her low-lying home

²⁴⁹ Decl. of Leo V. ¶¶ 4, 6-11, D. Ct. Doc. 279 (under seal).

²⁵⁰ Decl. of Nicholas V. ¶¶ 4-7, Ct. App. V Doc. 21-6 [hereinafter Nic 2019 Decl.].

²⁵¹ Nic 2019 Decl. ¶¶ 3-10; Appendix B.

²⁵² Decl. of Isaac V. ¶¶ 3, 5, 9, Ct. App. VII Doc. 7.7 [hereinafter Isaac 2024 Decl.]; Appendix B.

²⁵³ Isaac 2024 Decl. ¶ 4; Appendix B.

²⁵⁴ Isaac 2024 Decl. ¶ 6; Appendix B.

²⁵⁵ Isaac 2024 Decl. ¶¶ 7-8; Appendix B.

island is being lost to sea level rise and flooding.²⁵⁶ She fears she will never be able to travel back to the Marshall Islands as she intends to because the islands will likely be underwater in the future.²⁵⁷ In the last couple of years, Miko has experienced record-breaking heat waves (known as “heat domes”) and wildfire smoke that have prevented her from going outside for weeks and affect her mental and physical health.²⁵⁸

61. Petitioner **Journey Zephier** was fifteen years old and a resident of Kaua‘i, Hawai‘i when the case was filed. He was born in South Dakota and is an enrolled member of the federally recognized Yankton Sioux Tribe.²⁵⁹ Journey testified that sea-level rise, increased sea surface temperature, ocean acidification, alteration in ocean circulation, and increased storm intensity have harmed his health, personal safety, cultural practices, economic stability, food security and recreation interests.²⁶⁰

62. With respect to youth Petitioners’ individual harms, the U.S. District Court cited expert testimony tying Plaintiffs’ injuries to fossil-fuel-induced climate change.²⁶¹ Specifically, the Court pointed to the expert reports submitted by:

- a) Dr. Kevin Trenberth, a climate scientist at the National Center for Atmospheric Research: “[I]t is my expert opinion that Plaintiffs including Jayden, Levi, Xiuhtezcatl, Victoria, Jaime, Journey, Zealand, and Nathan are already experiencing extreme weather events that have been exacerbated due to anthropogenic climate change.”²⁶²
- b) Dr. Howard Frumkin, professor emeritus of Environmental and Occupational Health Sciences at the University of Washington School of Public Health, and Dr. Steven Running Regents Professor Emeritus, Ecosystem and Conservation Sciences, University of Montana: “This will impact the many Plaintiffs in the West who suffer increased risk and severity of impacts from wildfires near their homes,

²⁵⁶ Decl. of Miko V. ¶ 7, Ct. App. VII Doc. 7.12 [hereinafter Miko 2024 Decl.]; Appendix B.

²⁵⁷ Miko 2024 Decl. ¶ 8 Appendix B.

²⁵⁸ Miko 2024 Decl. ¶¶ 3-4; Appendix B.

²⁵⁹ Decl. of Journey Z. ¶ 2, D. Ct. Doc. 41-5 [hereinafter Journey 2016 Decl.]; Appendix B.

²⁶⁰ Journey 2016 Decl. ¶¶ 1; 11-20.

²⁶¹ Expert reports filed in *Juliana v. U.S.* are available upon request.

²⁶² *Juliana v. United States*, 339 F.Supp.3d 1062, 1088 (D. Or. 2018); See Expert Report of Kevin Trenberth, D. Ct. Doc. 267-1, at 23.

in places that they visit for recreation, and in the air they breathe during the extended fire season, including Xiuhtezcatl, Jaime Lynn, Sahara, Kelsey, Zealand, Nick, Aji, Nathan, Hazel and Avery.”²⁶³

- c) Dr. Lise Van Susteren, a practicing general and forensic psychiatrist: “The Plaintiffs I interviewed are suffering a range of emotional injuries from acute and chronic exposure to climate change—from being personally harmed by climate change impacts like drought and extreme weather events, to empathic identification with others who are harmed by climate change, to profound fears about future harm—consistent with those injuries described in the literature.”²⁶⁴
- d) Dr. Joseph Stiglitz, Nobel laureate in economics, University Professor at Columbia University, and chief economist of the Roosevelt Institute: “Youth Plaintiffs themselves will suffer the disproportionate, increased financial burdens of climate change as the impacts of climate change propagate throughout the economy.”²⁶⁵

63. As underscored by the U.S. Court of Appeals for the Ninth Circuit (“U.S. Ninth Circuit” or “Ninth Circuit”) in *Juliana*, the injuries the Youth Plaintiffs alleged in their case against the U.S. government—which they continue to experience to date—are “concrete and particularized” and not simply “‘conjectural’ or ‘hypothetical.’”²⁶⁶ The Ninth Circuit further concluded that the injuries are traceable to the actions of the U.S. government, holding that “[t]he plaintiffs alleged injuries **are caused** by carbon emissions from fossil fuel production, extraction, and transportation. A significant portion of those emissions occur in [the United States].”²⁶⁷

2. Our Children’s Trust

64. Our Children’s Trust is a non-profit law firm dedicated to protecting fundamental rights of children, in part, by representing youth with climate injuries in courts seeking protection of their fundamental rights. At the time of submission, Our Children’s Trust has or continues to

²⁶³ *Juliana*, 339 F.Supp.3d at 1088; Expert Report of Howard Frumkin, D. Ct. Doc. 259-1, at Ex. 1, 2 & 11; Expert Report of Steven Running, D. Ct. Doc. 264-1, at 13.

²⁶⁴ *Juliana*, 339 F.Supp.3d at 1088; Expert Report of Lise Van Susteren, D. Ct. Doc. 271-1 (Ex. C. under seal).

²⁶⁵ *Juliana*, 339 F.Supp.3d at 1088; See Expert Report of Joseph Stiglitz, D. Ct. Doc. 266-1, ¶ 29.

²⁶⁶ *Juliana v. United States*, 947 F.3d 1159, 1168 (9th Cir. 2020).

²⁶⁷ *Juliana*, 947 F.3d at 1169 (emphasis added).

represent or support more than 300 young plaintiffs in landmark litigation,²⁶⁸ including *Juliana v. U.S.*, *Held v. State of Montana*,²⁶⁹ and *Navahine v. Hawai‘i Department of Transportation*²⁷⁰—the first cases, worldwide, to recognize children’s right to a climate system capable of sustaining human life²⁷¹ and enshrine science-based protections for children’s fundamental rights into law.²⁷² Our Children’s Trust has also provided legal and scientific submissions to numerous international and regional tribunals, including the Inter-American Court of Human Rights, the European Court of Human Rights, the International Court of Justice, the International Tribunal for the Law of the Sea, the U.N. Committee on the Rights of the Child, and the U.N. Special Rapporteurs for Human Rights and Climate Change, Human Rights and the Environment, and in the Field of Cultural Rights. Our Children’s Trust’s legal work is supported by a global network of experts, including climate and energy scientists, economists, medical and public health professionals, legal scholars, religious leaders, children’s rights advocates, allied nongovernmental organizations and youth organizations.

III. PROCEDURAL HISTORY OF *JULIANA V. U.S.*

65. Petitioners sought redress in the U.S. court system, but the U.S. resorted to unprecedented tactics to silence them and deny them justice. The procedural history of *Juliana v. United States* is marked by the U.S. government’s repeated and unprecedented efforts to delay and

²⁶⁸ Our Children’s Trust is currently litigating the Canadian climate case *La Rose v. His Majesty the King* (T-1750-19, 2020 FC 1008), ongoing cases in Mexico including *Jóvenes v. Gobierno de México*, No. 1854 (2019), *Mbabazi and Others v. Attorney General and National Environmental Management Authority*, High Court of Uganda Holden at Kampala, Civil Suit No. 283 (2012), and cases in several U.S. states: *Sagoonick v. State of Alaska*, No. S-19417 Alaska Sup. Ct.; *Reynolds v. Florida Public Service Commission*, No. 2024-019966-CA, Fla. Cir. Ct.

²⁶⁹ *Held v. Montana*, No. CDV-2020-307 (Mont. 1st Jud. Dist. Aug. 14, 2023).

²⁷⁰ *Navahine F. v. Hawai‘i Dep’t of Transp.*, No. 1CCV-22-0000631 (Haw. Cir. Ct. 2023).

²⁷¹ *Juliana v. United States*, 217 F. Supp. 3d 1224, 1249-50 (D. Or. 2016) (“Exercising my ‘reasoned judgment,’ I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society.”) *Held v. Montana*, No. CDV-2020-307, 2023 WL 5229257 (Mont. 1st Jud. Dist. Aug. 14, 2023); *Navahine v. Dep’t of Transp.*, No. 1CCV-22-0000631, Joint Stipulation and Order re: Settlement (Haw. 1st Cir. Ct. June 20, 2024).

²⁷² *Held v. Montana*, No. CDV-2020-307, 2023 WL 5229257 (Mont. 1st Jud. Dist. Aug. 14, 2023); *Navahine v. Dep’t of Transp.*, No. 1CCV-22-0000631, Joint Stipulation and Order re: Settlement (Haw. 1st Cir. Ct. June 20, 2024).

dismiss the litigation. Over the course of a decade, the U.S. government constructed a **procedural firewall** between the youth and the judiciary, filing **two motions to dismiss and 15 applications to stay the proceedings**—often concurrently in multiple federal courts. In a highly unusual and unprecedented course of conduct, the U.S. Department of Justice (“DOJ”) also submitted **seven petitions for writs of mandamus**—five to the Ninth Circuit and two to the U.S. Supreme Court. A petition for a writ of mandamus is a rarely-used legal tool that a U.S. presidential administration might use *once* for an extraordinary circumstance during a four-year term of office. Mandamus became the standard practice in *Juliana* in the government’s effort to avoid regular litigation procedure. The DOJ’s first six petitions were denied; the seventh was ultimately granted by a panel of judges that failed to conduct the legal analysis typically required to grant mandamus. In light of this extraordinary and complex procedural history, for the Commission’s convenience:

- a) This section provides a summary of the extraordinary measures undertaken by the U.S. government to delay and ultimately deny the *Juliana* Plaintiffs meaningful access to justice and effective remedies over the course of nearly ten years. Each relevant motion or petition is identified in ***bold italics*** for ease of reference.
- b) A comprehensive list of the U.S. government’s individual efforts to obstruct proceedings—along with the corresponding pleadings—is included in **Appendix C**.
- c) For the Commission’s quick reference, **Figure 1** offers a visual overview of the U.S. government’s extraordinary attempts to terminate this case.
- d) Key case documents are available at: <https://www.ourchildrenstrust.org/juliana-v-us> or upon request.

66. Should the Commission wish to review the full procedural history of the case, Petitioners stand ready to submit a further summary and the relevant docket filings for the Commission’s consideration.

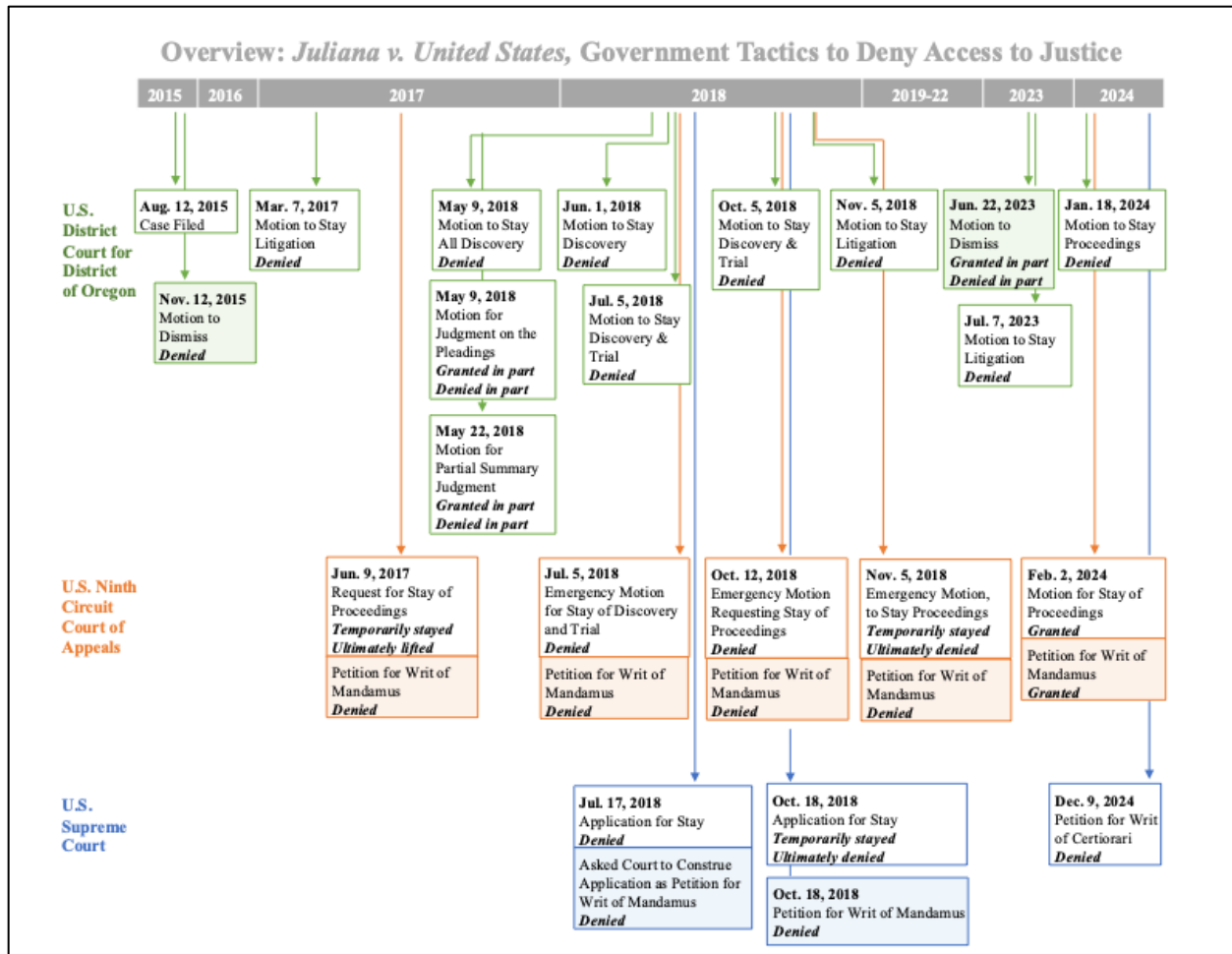


Figure 1: An overview of the two motions to dismiss, 15 motions to stay, and seven petitions for mandamus, filed by the U.S. government in *Juliana v. United States*. Dates listed are filing dates. The U.S. Supreme Court denied the Petition for Writ of Certiorari on March 24, 2025.

A. Pretrial Proceedings

67. Twenty-one children and youth commenced legal action on August 12, 2015,²⁷³ and filed their First Amended Complaint for injunctive and declaratory relief as a matter of course on September 10, 2015, in the United States District Court for the District of Oregon (“U.S. District

²⁷³ Petitioners refer to the District Court docket as “D. Ct. Doc.”; the Ninth Circuit docket for No. 17-71692 as “Ct. App. I Doc.”; the Ninth Circuit docket for No. 18-71928 as “Ct. App. II Doc.”; the Ninth Circuit docket for No. 18-72776 as “Ct. App. III Doc.”; the Ninth Circuit docket for No. 18-73014 as “Ct. App. IV Doc.”; the Ninth Circuit docket for No. 18-80176 as “Ct. App. V Doc.”; the Ninth Circuit docket for No. 18-36082 as “Ct. App. VI Doc.”; the Ninth Circuit docket for No. 24-684 as “Ct. App. VII Doc.”; the Supreme Court docket for No. 18A65 as “S. Ct. I”; the Supreme Court docket for No. 18-505 as “S. Ct. II”; the Supreme Court docket for No. 18A410 as “S. Ct. III”; and the Supreme Court docket for No. 24-298 as “S. Ct. IV”.

Court”).²⁷⁴ The Youth Plaintiffs claimed that U.S. federal government policies and practices perpetuating a fossil fuel energy system over five decades substantially caused and contributed to hazardous atmospheric concentrations of greenhouse gas pollution, depriving Plaintiffs of their fundamental constitutional rights to life, liberty, personal security, dignity, bodily integrity, their cultural and religious practices, and equal protection of law—rights also safeguarded by the American Declaration.

68. On November 10, 2016, U.S. District Court Chief Judge Aiken denied the U.S. government’s *motion to dismiss*²⁷⁵ and held that Plaintiffs satisfied the injury, traceability, and redressability requirements under Article III of the U.S. Constitution in order for the case to move forward to be decided on the merits.²⁷⁶

69. After President Trump assumed office on January 20, 2017, Eric Grant was appointed Deputy Assistant Attorney General in the U.S. DOJ’s Environment and Natural Resources Division. Mr. Grant publicly admitted that his “**number one priority from day one was to kill *Juliana v. U.S.***,”²⁷⁷ stating that the government “**did not want to participate in that trial**” and believed it was “**unfair to make [the U.S. DOJ] go to trial.**”²⁷⁸ He also boasted that the extraordinary measures that he “**quarterback[ed]**”²⁷⁹ against the youth Plaintiffs is a part of a “**good war story.**”²⁸⁰ This concerted legal “war” gave rise to the U.S. DOJ’s deployment of extraordinary and complicated procedural litigation tactics involving a barrage of concurrently

²⁷⁴ D. Ct. Doc. 7.

²⁷⁵ *Juliana v. United States*, 217 F. Supp. 3d 1224 (D. Or. 2016).

²⁷⁶ *Juliana*, 217 F. Supp. 3d at 1242-48.

²⁷⁷ The Federalist Soc’y, *Climate Change Litigation for Kids: Juliana v. United States* (event conducted by the Fed. & Env’t L. & Prop. Rts. Prac. Grp. Dec. 6, 2022), at 5:26 to 5:34. <https://www.youtube.com/watch?v=gAw1Uvcq9zk> [hereinafter *Federalist Society Interview with Eric Grant*].

²⁷⁸ *Federalist Society Interview with Eric Grant*, at 5:53 to 6:30.

²⁷⁹ *Federalist Society Interview with Eric Grant*, at 21:40 to 21:51.

²⁸⁰ *Federalist Society Interview with Eric Grant*, at 2:21 to 2:40.

filed motions to dismiss and to stay the proceedings aimed at delaying, dismissing, and ultimately silencing the *Juliana* Plaintiffs.

70. On October 15, 2018, the U.S. District Court granted and denied, in part, the U.S. government’s *motion for judgment on the pleadings*, and granted and denied, in part, the U.S. government’s *motion for summary judgment*.²⁸¹ The U.S. District Court again concluded all three elements of standing under Article III of the U.S. Constitution were met, and that there were important questions of fact that needed to be resolved at a trial on the merits of the Plaintiffs’ legal claims.²⁸²

71. In denying the U.S. government’s *motion for judgment on the pleadings* and *motion for summary judgment*, the U.S. District Court cited the **U.S. government’s admissions** that climate change is (i) occurring; (ii) caused mainly by fossil fuel combustion; (iii) “poses a ‘monumental’ danger;” and (iv) that the government’s challenged conduct plays a substantial and traceable role in the youths’ ongoing, particularized injuries, even though the government’s conduct is not the sole cause of those injuries.²⁸³

72. The U.S. District Court cited evidence that the pollution for which the U.S. government is responsible is a substantial cause of Plaintiffs’ particularized injuries, and concluded that the youth’s specific injuries are “ongoing or likely to recur” because experts estimated these “extreme weather events are likely to continue to increase as the global surface temperature continues to rise.”²⁸⁴ In finding that the Plaintiffs satisfied the requirements for standing at the pre-trial stage, the U.S. District Court relied on “plaintiffs’ sworn affidavits attesting to their specific injuries, as well as a swath of extensive expert declarations showing those injuries are linked to

²⁸¹ *Juliana v. United States*, 339 F. Supp. 3d 1062 (D. Or. 2018).

²⁸² *Juliana*, 339 F. Supp. 3d at 1087-96.

²⁸³ *Juliana*, 339 F. Supp. 3d at 1072, 1087-96.

²⁸⁴ *Juliana*, 339 F. Supp. 3d at 1089.

fossil fuel-induced climate change and if current conditions remain unchanged, these injuries are likely to continue or worsen.”²⁸⁵ “Federal defendants offer[ed] nothing to contradict these submissions.”²⁸⁶

73. The U.S. District Court cited evidence showing that if the U.S. government altered its challenged conduct, it “could slow or reduce the harm plaintiffs are suffering,” creating “an issue of material fact that must be considered at trial on full factual record.”²⁸⁷ Based on these showings of particularized, ongoing, traceable injuries, the U.S. District Court held that the Youth Plaintiffs had adequately demonstrated the court could redress their injuries, concluding: “It is clearly within a district court’s authority to declare a violation of plaintiffs’ constitutional rights.”²⁸⁸

74. Trial was set for October 29, 2018.²⁸⁹

B. The U.S. Government’s First Six Petitions for a Writ of Mandamus

75. Between June 9, 2017, and November 5, 2018, the U.S. government filed *six unsuccessful mandamus petitions*, each seeking to avoid the ordinary burdens of discovery and preparation for trial and evade the normal appeals process.²⁹⁰ Typically, after a motion to dismiss is denied, a case in U.S. courts will move forward to be decided on the merits, and the losing party can appeal the trial court’s final decision. That way, the appellate court has the benefit of a fully developed trial record when deciding all legal issues raised on appeal.

²⁸⁵ *Juliana*, 339 F. Supp. 3d at 1090.

²⁸⁶ *Juliana*, 339 F. Supp. 3d at 1090.

²⁸⁷ *Juliana*, 339 F. Supp. 3d at 1095.

²⁸⁸ *Juliana*, 339 F. Supp. 3d at 1090.

²⁸⁹ D. Ct. Docs. 192, 352.

²⁹⁰ Ct. App. I Doc. 1-1 at 40; Ct. App. II Doc. 1-2 at 54; S. Ct. I, Appl. for Stay at 38, 32; Ct. App. III Doc. 1-2 at 24; S. Ct. II, Pet. for Mandamus; Ct. App. IV Doc. 1-2 at 27.

76. In the U.S. federal court system, “[t]he writ of mandamus is a drastic and extraordinary remedy reserved for really extraordinary causes.”²⁹¹ The U.S. Supreme Court has held that “only exceptional circumstances amounting to a judicial usurpation of power or a clear abuse of discretion will justify the invocation of this extraordinary remedy.”²⁹² The reason why the writ of mandamus is reserved for extraordinary circumstances is because it disrupts the normal appellate process, and allows a party to take a case up to the appellate court even before trial on the merits. For that reason, a party seeking mandamus must meet three mandatory conditions,

“First, the party seeking issuance of the writ must have no other adequate means to attain the relief he desires – a condition designed to ensure that the writ will not be used as a substitute for the regular appeals process. Second, the petitioner must satisfy the burden of showing that his right to issuance of the writ is clear and indisputable. Third, even if the first two prerequisites have been met, the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.”²⁹³

77. Each of the U.S. government’s first *six petitions for a writ of mandamus* were denied.²⁹⁴

78. For example, on the eve of trial, October 18, 2018, the U.S. government made an eleventh-hour move to halt the Youths’ trial from proceeding by petitioning the U.S. Supreme Court for a *writ of mandamus* (its fifth petition overall, its second such petition to the U.S. Supreme Court). Simultaneously, it submitted an *application for a stay* of the trial to the Supreme Court.²⁹⁵ Supreme Court Chief Justice Roberts temporarily granted an administrative stay of the

²⁹¹ *In re Van Dusen*, 654 F.3d 838, 840 (9th Cir. 2011) (quoting *Ex parte Fahey*, 332 U.S. 258, 259–60 (1947)) (internal quotation marks omitted).

²⁹² *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004) (internal quotation marks and citations omitted).

²⁹³ *Cheney*, 542 U.S. at 380-81.

²⁹⁴ *In re United States*, 884 F.3d 830, 838 (9th Cir. 2018); *In re United States*, 895 F.3d 1101, 1105-06 (9th Cir. 2018); *United States v. U.S. Dist. Ct. for Dist. of Oregon*, 585 U.S. 1045 (2018); Ct. App. III Doc. 5; *In re United States*, 139 S. Ct. 16 (2018) (mem.), *vacated*, App. 181a–84a; *In re United States*, 140 S. Ct. 16 (2019) (mem.); Ct. App. IV Doc. 15.

²⁹⁵ S. Ct. II, Pet. for Mandamus; S. Ct. II, Appl. for Stay.

trial pending consideration of the writ petition. Although the U.S. Supreme Court lifted the temporary stay on November 2, 2018,²⁹⁶ by then the October 29, 2018 trial date had passed.

79. On November 5, 2018, the U.S. government filed its *sixth mandamus petition* (fourth in the Ninth Circuit), again seeking to avoid “the impending trial” which had not yet been rescheduled.²⁹⁷ The same day, the U.S. government moved the U.S. District Court to reconsider certifying for interlocutory appeal its denial of the government’s dispositive motions.²⁹⁸

80. On November 21, 2018, the U.S. District Court stated it “stands by its prior rulings on jurisdictional and merits issues, as well as its belief that this case would be better served by further factual development at trial,” but nonetheless certified the case for interlocutory appeal, sending the case to the U.S. Court of Appeals for the Ninth Circuit without a trial where testimony and evidence could be presented and weighed.²⁹⁹

81. On December 26, 2018, a divided panel of the U.S. Ninth Circuit granted the U.S. government’s petition for permission to file an interlocutory appeal.³⁰⁰ Judge Michelle Friedland dissented, writing,

“It is [...] concerning that allowing this appeal now effectively rewards the Government for its repeated efforts to bypass normal litigation procedures by seeking mandamus relief in our court and the Supreme Court. If anything has wasted judicial resources in this case, it was those efforts.”³⁰¹

82. On January 17, 2020, after oral argument, two judges on a three-judge Ninth Circuit panel issued an opinion, from which one judge (Judge Staton) dissented.³⁰² All three judges agreed with the U.S. District Court that the Youth Plaintiffs demonstrated concrete, particularized injuries

²⁹⁶ *In re United States*, 586 U.S. 983 (2018).

²⁹⁷ Ct. App. IV Doc. 1-2 at 27.

²⁹⁸ D. Ct. Doc. 418.

²⁹⁹ *Juliana v. United States*, No. 15-CV-01517, 2018 WL 6303774, at *3 (D. Or. Nov. 21, 2018).

³⁰⁰ *Juliana v. United States*, 949 F.3d 1125 (9th Cir. 2018).

³⁰¹ *Juliana*, 949 F.3d at 1127 n.1 (Friedland, J., dissenting).

³⁰² *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020).

that were fairly traceable to the challenged government conduct.³⁰³ On redressability, the majority concluded “a declaration that the government is violating the Constitution [...] alone is not substantially likely to mitigate the plaintiffs’ asserted concrete injuries [...] absent further court action.”³⁰⁴ Regarding Youth Plaintiffs’ requested injunctive relief, the Ninth Circuit held “it is beyond the power of an Article III court to order, design, supervise, or implement the plaintiffs’ requested remedial plan.”³⁰⁵ **Based solely on redressability grounds**, the 2020 Opinion “remand[ed] this case to the district court with instructions to dismiss for lack of Article III standing.”³⁰⁶ **The 2020 Opinion did not foreclose leave to amend, did not discuss whether amendment would be futile, and did not order the District Court to dismiss the case with prejudice.**³⁰⁷

83. The dissent agreed with the majority that injury and traceability were met and disagreed vigorously with the majority’s redressability holding.³⁰⁸ Thus, all five judges to have analyzed Plaintiffs’ standing (the U.S. District Court’s magistrate and Chief Judge, and the full Ninth Circuit panel) agreed Plaintiffs satisfied the injury and traceability prongs for standing. This judicial consensus that the Plaintiffs were being constitutionally injured by their government existed throughout the course of the litigation.

84. On June 17, 2024, Youth Plaintiffs filed a petition for rehearing *en banc*, which was denied.³⁰⁹ On March 5, 2021, the Ninth Circuit issued its formal instruction to the U.S. District Court to dismiss for lack of standing.³¹⁰

³⁰³ *Juliana*, 947 F.3d at 1168-69.

³⁰⁴ *Juliana*, 947 F.3d at 1170.

³⁰⁵ *Juliana*, 947 F.3d at 1171.

³⁰⁶ *Juliana*, 947 F.3d at 1175.

³⁰⁷ See generally *Juliana*, 947 F.3d 1159.

³⁰⁸ *Juliana*, 947 F.3d at 1181-84 (9th Cir. 2020) (Staton, J., dissenting).

³⁰⁹ *Juliana v. United States*, 986 F.3d 1295 (9th Cir. 2021).

³¹⁰ Ct. App. VI Doc. 204.

C. Remand and Leave to Amend

85. On March 9, 2021, Youth Plaintiffs filed a motion in the U.S. District Court seeking permission to amend their complaint to cure the redressability deficiency identified by the Ninth Circuit majority.³¹¹ The U.S. District Court granted Plaintiffs' motion on June 1, 2023.³¹²

86. On June 8, 2023, Plaintiffs filed their Second Amended Complaint.³¹³ The U.S. government again filed a *motion to dismiss* on June 22, 2023.³¹⁴

87. On December 29, 2023, the U.S. District Court significantly narrowed the claims by partly granting and partly denying the U.S. government's *motion to dismiss*.³¹⁵ The sole claims remaining were for declaratory relief under the Due Process Clause of the Fifth Amendment to the U.S. Constitution and under the public trust doctrine.

D. The Ninth Circuit Grants Mandamus

88. On February 2, 2024, the U.S. government filed yet another *petition for a writ of mandamus* in the Ninth Circuit (its fifth in that court and seventh overall) and another *motion for a stay*, under the same facts as the previous petitions, with the sole difference that the Plaintiffs had now filed a second emended compliant that removed the request for an injunctive remedial plan as a remedy, in light of the Ninth Circuit's ruling that such a remedy was not within the court's power to award.³¹⁶ In its petition, the U.S. government repeated its singular desire to avoid discovery and trial—the same argument the Ninth Circuit and the Supreme Court had rejected when denying the government's six prior mandamus petitions.³¹⁷ The sole “damage or prejudice”

³¹¹ D. Ct. Doc. 462.

³¹² *Juliana v. United States*, No. 15-CV-01517, 2023 WL 3750334 (D. Or. June 1, 2023).

³¹³ D. Ct. Doc. 542.

³¹⁴ D. Ct. Doc. 547.

³¹⁵ *Juliana v. United States*, No. 15-CV-01517, 2023 WL 9023339 (D. Or. Dec. 29, 2023).

³¹⁶ Ct. App. VII Doc. 1.1.

³¹⁷ Ct. App. VII Doc. 1.1 at 48–49; *In re United States*, 884 F.3d 830, 835–36 (9th Cir. 2018); *In re United States*, 895 F.3d 1101 (9th Cir. 2018).

the U.S. government continued to claim was that it would suffer the prospect of “be[ing] required to comply with additional discovery requests and proceed to trial on Plaintiffs’ sweeping claims.”³¹⁸ In support, the U.S. government proffered declarations detailing its time and expense defending the case, including evidence that it had spent more time seeking interlocutory appeal and mandamus than it would have spent at trial.³¹⁹

89. In the U.S. District Court, the U.S. government submitted its Answer to the Second Amended Complaint on February 27, 2024, admitting many factual allegations.³²⁰

90. On February 29, 2024, the Ninth Circuit directed Youth Plaintiffs to answer the mandamus petition,³²¹ which they did.³²² The U.S. District Court also filed a supplemental order addressing the petition.³²³ The same day, the U.S. District Court denied the U.S. government’s *motion for stay*, finding that the *petition for writ of mandamus* was unlikely to succeed on the merits because it met none of the conditions for mandamus, and because the government’s previous petitions making the same arguments had already been denied six times by the Ninth Circuit Court of Appeals or the U.S. Supreme Court.³²⁴

91. On May 1, 2024, an entirely different three-judge panel of the Ninth Circuit—different from the panel that issued the 2020 Opinion, and from the panels that had denied the government’s earlier mandamus petitions—did an about-face and granted the government’s petition for a writ of mandamus.³²⁵ It did so in an unpublished three-page order, on the papers, without oral argument, without complying with the rules of court. The panel reviewed the U.S.

³¹⁸ Ct. App. VII Doc. 1.1 at 48.

³¹⁹ Ct. App. VII Doc. 1.1 at 48.

³²⁰ D. Ct. Doc. 590.

³²¹ Ct. App. VII Doc. 12.1.

³²² Ct. App. VII Doc. 14.1.

³²³ Ct. App. VII Doc. 22.1.

³²⁴ *Juliana v. United States*, No. 15-cv-01517, 2024 WL 1695064, at *2–4 (D. Or. Apr. 19, 2024).

³²⁵ *In re United States*, No. 24-684, 2024 WL 5102489 (9th Cir. May 1, 2024).

District Court's compliance with the 2020 panel's mandate *de novo*, without examining whether the conditions for mandamus were satisfied.³²⁶ It conducted no review of Plaintiffs' Second Amended Complaint, and instead concluded that the prior mandate as to the *First* Amended Complaint precluded leave to file a *Second* Amended Complaint, even though Ninth Circuit's 2020 opinion said no such thing.³²⁷ The new panel did not analyze whether a new complaint would be futile, as required by U.S. Supreme Court precedent, and did not address the binding precedent that the District Court relied on when it concluded that the 2020 Opinion's silence did not foreclose leave to amend. The panel egregiously erred in granting mandamus, ordering the U.S. District Court to dismiss the case without leave to amend.³²⁸ The U.S. District Court dismissed the case and issued final judgment the same day.³²⁹

92. Plaintiffs timely petitioned for rehearing *en banc* by the Ninth Circuit on June 17, 2024.³³⁰ The Ninth Circuit denied rehearing on July 12, 2024.³³¹

E. The U.S. Supreme Court Denies Review of the Ninth Circuit's Grant of Mandamus, Closing the Case in U.S. Federal Courts

93. On September 12, 2024, the Youth Plaintiffs filed their own petition for writ of mandamus with the U.S. Supreme Court, asking it to direct the Ninth Circuit panel to vacate its May 1, 2024 decision for failing to apply the relevant law.³³² The petition was denied without decision on November 12, 2024.³³³ However, the U.S. Supreme Court granted the Plaintiffs' application for an extension of time to file their petition for writ of certiorari. On December 9, 2024, the Youth Plaintiffs petitioned the U.S. Supreme Court for a writ of certiorari. On March 24,

³²⁶ *In re United States*, 2024 WL 5102489.

³²⁷ *In re United States*, 2024 WL 5102489.

³²⁸ *In re United States*, 2024 WL 5102489.

³²⁹ D. Ct. Docs. 600, 601.

³³⁰ Ct. App. VII Doc. 27.1.

³³¹ Ct. App. VII Doc. 46.1.

³³² S. Ct. IV, Pet. for Mandamus.

³³³ S. Ct. IV, Mandamus Denied.

2025, the U.S. Supreme Court denied Youth Plaintiffs’ petition for certiorari,³³⁴ terminating the *Juliana* case in U.S. courts.

IV. JURISDICTION AND ADMISSIBILITY

94. This Petition is admissible under the Commission’s Rules of Procedure because: (A) the Commission has jurisdiction to hear this Petition; (B) Petitioners have exhausted domestic remedies; (C) this Petition is filed within six months of the U.S. Supreme Court’s decision exhausting domestic remedies; and (D) the Petition is not pending before another international body.

A. The Commission Has Jurisdiction to Hear this Petition

95. The Commission has personal (*ratione personae*), subject-matter (*ratione materiae*), temporal (*ratione temporis*), and territorial (*ratione loci*) jurisdiction over this Petition.³³⁵

96. The Commission has personal jurisdiction, pursuant to Article 23 of its Rule of Procedure, because Petitioners are U.S. citizens whose rights were protected under the American Declaration when the alleged violations occurred³³⁶ and Our Children’s Trust is a legally recognized nongovernmental organization incorporated in the United States.³³⁷

³³⁴ *Juliana v. United States*, 145 S. Ct. 1428 (2025).

³³⁵ In Inter-American Commission on Human Rights, Rules of Procedure of the Inter-American Commission on Human Rights, art. 28(1)-(9) (Requirements for the Consideration of Petitions, including required factual information that the Commission examines before initiating proceedings and the procedural requirements of the petitioners) [hereinafter Inter-Am. Comm’n H.R., Rules of Procedure].

³³⁶ Inter-Am. Comm’n H.R., Rules of Procedure, art. 23 (“[a]ny person or group of persons or nongovernmental entity legally recognized in one or more of the Member States of the OAS may submit petitions to the Commission on their behalf or on behalf of third persons, concerning alleged violations of a human right recognized in [...] the American Declaration of the Rights and Duties of Man.”).

³³⁷ Our Children’s Trust is a tax-exempt public charity under section 501(c)(3) of the U.S. Internal Revenue Code. EIN 27-3094382.

97. The Commission has subject-matter jurisdiction because the Petition asserts violations of multiple rights protected by the American Declaration: the rights to life (Article I), health (Article XI), private and family life (Articles V, VI, and IX), special protection as children (Article VII), non-discrimination (Article VII), dignity (Article I), a healthy climate, and access to justice and effective judicial remedies (Article XVIII).³³⁸ The Commission has long held that the American Declaration constitutes a source of binding obligations for the United States.³³⁹ It also emphasized that other international legal sources provide persuasive guidance in interpreting and applying rights recognized in the Declaration including jurisprudence from regional human rights courts and the International Court of Justice.³⁴⁰

98. The Commission has temporal jurisdiction because the United States ratified the OAS Charter on June 15, 1951.³⁴¹ The obligation to respect and guarantee the rights protected in the American Declaration was thus already in effect, from the 1950s to the present, when the U.S. promoted and expanded fossil fuels and when Petitioners' harms originated and occurred.

³³⁸ Statute of the Inter-American Commission on Human Rights, art. I, OEA/SER.L/V/I.4, doc. 38 rev. 2 (1979) ("For the purposes of the present Statute, human rights are understood to be: a. The rights set forth in the American Convention on Human Rights, in relation to the State Parties thereto; b. The rights set forth in the American Declaration of the Rights and Duties of Man, in relation to the other member states."); Inter-Am. Comm'n H.R., Rules of Procedure, arts. 23, 51.

³³⁹ See, e.g., *Interpretation of the American Declaration of the Rights and Duties of Man Within the Framework of Article 64 of the American Convention on Human Rights*, Advisory Opinion OC-10/89, Inter-Am. Ct. H.R. (Ser. A) No. 10 (1989), ¶¶ 36-48. (finding that "the American Declaration constitutes a sources of international obligations for all member states of the Organization of American States"); *Jessica Lenahan (Gonzales) v. United States*, Case 12.626, Inter-Am. Comm'n H.R., Report No. 80/11, OEA/Ser.L/V/II.142, doc. 5 rev. 1, ¶ 115 (2011) ("according to the well-established and long standing jurisprudence and practice of the inter-American human rights system, the American Declaration is recognized as constituting a source of legal obligation for OAS member states, including those States that are not parties to the American Convention on Human Rights"); *Roach v. United States*, Case 9647, Inter-Am. Comm'n H.R., Resolution No. 3/87, OEA/SER.L/V/II.71, doc. 9 rev. 1, ¶ 46 (1987); *James Terry Roach and Jay Pinkerton v. United States*, Case 9647, Inter-Am. Comm'n H.R., Resolution No. 3/87, Annual Rep. Inter-am. Comm'n H.R., OEA/SER.L/V/II.71, doc. 9 rev. 1, ¶ 160 (1987); *Smith v. United States*, Petition 8-03, Inter-Am. Comm'n H.R., Report No. 56/06, OEA/SER.L/V/II.127, doc. 4 rev. 1, ¶¶ 32-33 (2006).

³⁴⁰ See, e.g., *Ximenes-Lopes v. Brazil*, Inter-Am. Ct. H.R. (Ser. C) No. 149, ¶ 51 (2006) (citing *Storck v. Germany*, App. No. 61603/00, Eur. Ct. H.R. (2005) and other international declarations, standards and principles in order to "illuminate the reach and content" of the right to life and the right to human treatment" in the Inter-American system and finding "these soft-law documents helpful for the adjudication of the instant case").

³⁴¹ Charter of the Organization of American States, Apr. 30, 1948, 2 U.S.T. 2394, 2395 (entered into force Dec. 13, 1951) (ratified by the United States, June 15, 1951).

99. The Commission has territorial jurisdiction because the alleged violations occurred on U.S. territory where the Petitioners reside.

B. Petitioners Have Exhausted Domestic Remedies

100. Pursuant to Article 31(1) of the IACHR Rules of Procedure, Petitioners must pursue and exhaust remedies of the U.S. legal system in accordance with the generally recognized principles of international law before petitioning the Commission.³⁴² Exhaustion is “intended to allow domestic authorities to hear the alleged violation of a protected right and, if applicable, settle the issue before it is brought before an international body.”³⁴³

101. After nearly a decade of arduous litigation—spanning three trips to the U.S. Supreme Court and involving numerous extraordinary procedural interventions—the Supreme Court’s decision to deny certiorari formally closed the case, and Petitioners have thoroughly exhausted all available domestic remedies.³⁴⁴

102. In the event the Commission finds that Petitioners have not exhausted domestic remedies, Petitioners respectfully request the opportunity to demonstrate that their Petition falls within recognized exceptions to the exhaustion requirement—specifically, that (i) recourse to domestic remedies was unduly prolonged; (ii) effective remedies were unavailable in practice; and (iii) further proceedings would have been futile given the repeated procedural obstruction and denial of a hearing on the merits.³⁴⁵

³⁴² Inter-Am. Comm’n H.R., Rules of Procedure, art. 33(1).

³⁴³ *Rosa Ángela Martino v. Argentina*, Petition 1067-07, Inter-Am. Comm’n H.R., Report No. 82/17, OEA/SER.L/V/II.164, doc. 65, ¶ 12 (2017); *see also* Ronald Moya Chacón v. Costa Rica, Petition 1018-08, Inter-Am. Comm’n H.R., Report No. 75/14, OEA/SER.L/V/II.152, doc. 7, ¶ 32 (2014). (“Alleged violations should be heard and decided by the domestic courts, “at least implicitly under the applicable national laws [...] so that the State can cure before being subject to the Inter-American System.”).

³⁴⁴ *See* Section III of this Petition; Appendix C.

³⁴⁵ *See* Section III of this Petition; Appendix C.

C. The Petition is Submitted within Six Months of the Decision Exhausting Domestic Remedies

103. Under Article 32(1) of the Commission’s Rules of Procedure, petitions must be “lodged within a period of six-months following the date on which the alleged victim has been notified of the decision that exhausted the domestic remedies.”³⁴⁶ Petitions must otherwise be presented “within a reasonable time.”³⁴⁷

104. The U.S. Supreme Court issued its decision denying the Youth Plaintiffs’ Petition for Certiorari on **March 24, 2025**,³⁴⁸ closing the case in U.S. courts. This Petition is submitted on **September 23, 2025**, and is therefore timely filed within the six-month admissibility window.

105. Petitioners also file this Petition within a reasonable period of time. The human rights violations identified are ongoing, with no effective remedy available to Petitioners in the United States for the conduct being challenged herein.

D. The Petition is Not Pending Before Another International Body

106. The Petition is not subject to duplicative proceedings. It is not currently the subject of any other international proceeding, nor is there any pending settlement process before an international organization to which the United States is a member.³⁴⁹

107. Accordingly, the Commission should declare this Petition admissible.

V. LEGAL ANALYSIS

108. By deliberately promoting and perpetuating a fossil fuel-based energy system that senior U.S. officials knew would cause grave harm to all of humanity—and failing to fulfill its

³⁴⁶ Inter-Am. Comm’n H.R., Rules of Procedure, art. 32(1).

³⁴⁷ Inter-Am. Comm’n H.R., Rules of Procedure, art. 32(2).

³⁴⁸ *Juliana v. United States*, 145 S. Ct. 1428 (2025).

³⁴⁹ Inter-Am. Comm’n H.R., Rules of Procedure, art. 33(1).

international obligation to act with due diligence—the U.S. violated Petitioners’ rights under the American Declaration and customary international law. Specifically, the U.S. violated Petitioners’ rights to life, liberty, and security of person (Article I), health (Article XI), special protections for children (Article VII), home, property, and private and family life (Articles V, VI, IX, and XXIII), benefits of culture (Article XIII), equality and non-discrimination (Article II), dignity (Preamble and Article XXIII), and the independent right to a healthy climate protected by Article 26 of the American Convention, international human rights law, and customary international law. Adding insult to injury, U.S. courts’ refusal to hear the merits of Petitioners’ claims, and the U.S. DOJ’s unprecedented attacks on Petitioners’ ability to access the courts to uphold their rights, denied them access to justice and effective remedies, violating Articles XVIII and XXIV of the American Declaration.

109. This legal analysis proceeds in three parts. **Part A** sets out how the U.S. breached its existing legal obligations to protect and guarantee all rights in the climate context, including Petitioners’ human rights, by failing to prevent and mitigate climate change. **Part B** outlines how the U.S. violated Petitioners’ specific substantive rights to life, liberty, and security of person, health, special protections for children, private and family life, benefits of culture, non-discrimination, dignity, and the independent right to a healthy climate. **Part C** shows how the U.S. violated Petitioners’ procedural rights to have access to justice and effective remedies.

A. The U.S. Failed to Comply with Its International Obligations to Guarantee Petitioners’ Rights

1. The U.S. Has an Existing Duty to Prevent Harm to the Global Climate System to Fulfill its Obligation to Guarantee Rights

110. Through its policies perpetuating a fossil fuel-based energy system, the U.S. has violated its key binding international obligations necessary to uphold Petitioners’ human rights.

The IACtHR and the ICJ recently clarified and confirmed these existing obligations, which are applicable to all States, including the U.S.

111. On May 29, 2025, the IACtHR ruled on the scope of States' obligations derived from the American Convention and the Protocol of San Salvador in relation to the substantive and procedural rights in its Advisory Opinion on the Climate Emergency and Human Rights.³⁵⁰ In July 2025, the ICJ followed with its Advisory Opinion on the Obligation of States in Respect to Climate Change, which confirmed the existing duties of States to protect the climate system from anthropogenic greenhouse gas emissions.³⁵¹ Both courts underscored that climate change infringes a wide range of human rights³⁵² and that the protection of a healthy and safe climate is “a precondition” for the enjoyment of human rights.³⁵³

112. The IACtHR emphasized that the world is immersed in a climate emergency,³⁵⁴ that this emergency is anthropogenic in origin,³⁵⁵ and represents a severe threat to humanity.³⁵⁶ It made clear that the obligations it outlined apply to all OAS Member States (including the U.S.), as “the rights whose scope will be determined in this advisory opinion are likewise enshrined in the American Declaration on the Rights and Duties of Man.”³⁵⁷ Thus,

“[T]he interpretation of the American Convention and of the Protocol of San Salvador rendered in this advisory opinion must be considered integrally [...] by **all OAS Member States**. Indeed, all OAS members are bound by the obligations set forth in the American Declaration, as well as those derived from the OAS Charter and the Inter-American Democratic Charter.”³⁵⁸

³⁵⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII; see also ¶¶ 217-18.

³⁵¹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 457.

³⁵² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 293; *Obligations in Respect to Climate Change*, I.C.J. ¶ 403.

³⁵³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 303, 377; *Obligations in Respect to Climate Change*, I.C.J. ¶ 373.

³⁵⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 1.

³⁵⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 183, 289.

³⁵⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 1. See also ¶¶ 42, 182, 197-98, 289, 291, 594.

³⁵⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 39.

³⁵⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 41.

113. The IACtHR went even further and concluded that the obligation to prevent harm to the climate is a norm of *jus cogens*—a peremptory international obligation that applies to *all* States and to which no derogation of any kind is possible—given that protection of the climate is needed for the “present and future habitability of the planet.”³⁵⁹ Protection of the global climate is mandatory because “there is no other way to guarantee [human rights’] enforceability,” and because the obligation to “preserve the equilibrium of the ecosystem [...] has achieved a degree of consolidation and universal recognition that **justifies its characterization as a norm of *jus cogens*, owing to its essential connection to the protection of human life, dignity and inter-generational justice.**”³⁶⁰ The Court explained:

“The **existential** interests of all individuals and species of all kinds [...] whose rights to life, personal integrity, and health have already been recognized by international law, crystallize the obligation to **abandon anthropogenic conducts that pose a critical threat to the equilibrium of our planetary ecosystem.** The prohibitions arising from the obligation to preserve our common ecosystem, as a precondition to the enjoyment of other rights that have already been identified as fundamental, are of peremptory importance and are, therefore, of a *jus cogens* nature.”³⁶¹

114. Although the ICJ did not discuss the *jus cogens* nature of the obligation to protect the climate, it agreed that climate change is “an existential problem of planetary proportions that imperils all forms of life and the very health of our planet;”³⁶² that “the full enjoyment of human rights cannot be ensured without the protection of the climate system;”³⁶³ and that the “the environment is the foundation for human life, upon which the health and well-being of both present

³⁵⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 290, 293-94, Section VII ¶ 8.

³⁶⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 293.

³⁶¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 291.

³⁶² *Obligations in Respect to Climate Change*, I.C.J. ¶ 456.

³⁶³ *Obligations in Respect to Climate Change*, I.C.J. ¶ 403.

and future generations depend.”³⁶⁴ It ruled that the duty to prevent significant harm to the climate system is part of customary international law applicable to *all* States.³⁶⁵

115. Both courts highlighted the importance of intergenerational equity,³⁶⁶ which is central to this Petition given the young age of the Petitioners. The principle of intergenerational equity is firmly recognized in international law.³⁶⁷ The ICJ found that the principle’s “relevance for the obligations in respect of climate change is undisputable,”³⁶⁸ and it needs to be “taken into account” with respect to all obligations in the context of climate change.³⁶⁹ Intergenerational equity is

“a guide for the interpretation of applicable rules. [...] Due regard for the interests of future generations and the long-term implications of conduct are equitable considerations that need to be taken into account where States contemplate, decide on and implement policies and measures in fulfilment of their obligations.”³⁷⁰

116. The IACtHR also underscored that “the survival of present and future generations on a habitable planet – constitutes a universal value” of humanity.³⁷¹ Intergenerational equity

“acquires special relevance in the context of the climate emergency, because the impacts of climate change are progressive, increase over time, and have more severe effects on certain age groups. Climate change has greater effects on those who, today, are very young and who must live their whole lives in a climate environment that is increasingly adverse.”³⁷²

117. The Court emphasized that the “guarantee of [...] intergenerational equity is essential for the interpretation and implementation of the obligations arising from the right to a healthy climate because this right, in its collective dimension, seeks the comprehensive protection

³⁶⁴ *Obligations in Respect to Climate Change*, I.C.J. ¶ 373.

³⁶⁵ *Obligations in Respect to Climate Change*, I.C.J. ¶ 409 (emphasis added).

³⁶⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 9, ¶¶ 216, 287, 305-13; *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 155-57, 161, 172.

³⁶⁷ IACtHR Climate Emergency Advisory Opinion, ¶¶ 305-07; *see also id.* ¶¶ 214, 154.

³⁶⁸ *Obligations in Respect to Climate Change*, I.C.J. ¶ 155.

³⁶⁹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 157.

³⁷⁰ *Obligations in Respect to Climate Change*, I.C.J. ¶ 157.

³⁷¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 287.

³⁷² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 312.

of humanity as a whole” and “**both present and future generations** are a part of this.”³⁷³ This mandate is closely related to the **principle of prevention**³⁷⁴ and applies with particular force to the **obligation of mitigation**.³⁷⁵ By failing to prevent, mitigate, and address climate change, in all three branches of government, and by failing to hear the claims of Petitioners challenging systemic governmental conduct that affirmatively causes climate change, the U.S. failed to ensure “equity in both the effective enjoyment of rights by present generations, and in their transmission to future generations.”³⁷⁶ For example, many young people now question whether they should bring children into the world because of the climate damage they are already experiencing and the uncertainty of a healthy future for their own children. In short, the U.S. compromised the rights and welfare of Petitioners and those who will inherit the climate system tomorrow.

118. Both the IACtHR and ICJ outlined numerous obligations—guided by the principle of intergenerational equity—that States must fulfill in the context of the climate emergency.³⁷⁷ Through its policies and practices perpetuating a fossil fuel energy system, the U.S. has failed to comply with existing obligations.³⁷⁸ This Petition focuses on the U.S. government’s violation of

³⁷³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 311, 313.

³⁷⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 308.

³⁷⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 194 (“mitigation [...] measures must be increased rapidly. Delays in this regard mean transferring an extraordinary responsibility to future generations, and increase the risk of suffering the negative effects of climate change, particularly for the most vulnerable.”), 327, 334.

³⁷⁶ See *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 312; see also ¶¶ 310, 540.

³⁷⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶¶ 1-20; *Obligations in Respect to Climate Change*, I.C.J. ¶ 457.

³⁷⁸ Should the Commission like a supplemental submission on the U.S.’s violations of these obligations, Petitioners stand ready to provide it. The relevant obligations include those specified in Section VII ¶ 2 (the obligation to respect rights, encompassing the obligations in ¶ 221 to refrain from “any conduct that results in a setback or delay or that limits the results of measures required to protect human rights from the impacts of climate change”; in ¶ 222 to “refrain from adopting retrogressive measures”; and in ¶ 223 to “refrain from acts or omissions that, directly or indirectly, obstruct, restrict or harm effective access, in equal conditions, to the enjoyment of human rights of individuals affected by the climate emergency”); ¶ 3 (the “obligation to act” with “enhanced due diligence to counteract the human causes of climate change [...] in accordance with paragraphs 225 to 237”); ¶ 8 (the “peremptory” obligation to refrain from “anthropogenic conducts that could irreversibly harm” ecosystems, “in accordance with paragraphs 287 to 294”; ¶ 10 (the obligation to “regulat[e] the conduct of business enterprises, in accordance with paragraphs 323 to 351,” including mitigation accounting for the State’s cumulative contribution to climate change and the resources the State possesses); ¶ 15 (the obligation to “adopt[] [...] measure[s] to counter disinformation, in accordance with paragraphs 524 to 527”); ¶ 17 (the obligation to uphold the right of access to justice by ensuring “adequate provisions with regard to legal

its obligations to: (i) act with “stringent” or “enhanced” due diligence to **prevent the degradation of the global climate system**, an obligation that arises from the human rights obligation to guarantee the full enjoyment of rights and customary international law,³⁷⁹ and (ii) **mitigate** the emission of greenhouse gas pollution.³⁸⁰ The U.S.’s failure to act with due diligence with respect to climate change and to mitigate GHG emissions rise to the level of international wrongful acts—acts that disproportionately infringe the rights of the Petitioners, their generation, and those yet to come.³⁸¹

2. The U.S. Breached its Obligation to Act with Due Diligence to Guarantee Petitioners’ Rights and Prevent Harm to the Global Climate System

119. By refusing to take feasible steps to reduce its dependence on fossil fuels—all while knowing the grave risks posed by GHG emissions from burning fossil fuels—the U.S. failed to act with due diligence and violated its general obligation to guarantee Petitioners’ human rights.

120. Both the IACtHR and the ICJ confirmed that all States must act with “enhanced” or “stringent” due diligence to prevent harm to the climate. For the IACtHR, the general **obligation to guarantee rights**, which includes the **obligation of prevention**,³⁸² is “fundamental in the context of the climate emergency.”³⁸³ It requires States to organize “**all the powers of the State**, in both its domestic and international sphere of action, to **be coordinated so as to protect the human rights** threatened and affected by [the climate emergency],”³⁸⁴ and to “**take all necessary**”

standing [...] in accordance with paragraphs 542 to 560”; and ¶ 20 (referencing the obligation in ¶ 604 to “adopt the necessary measures to guarantee that children can have recourse to effective judicial remedies for the protection of their human rights,” and the obligation in ¶ 599 to ensure that “environmental health plans, policies, [and] laws [...] are aligned with the best available scientific information on the impacts of climate change on children’s health”).

³⁷⁹ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 132, 135-36, 138-39 (The obligation to prevent significant harm to the climate system also arises from international customary law.).

³⁸⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 9.

³⁸¹ Section II(C) and (E), *supra*; see also Annex B.

³⁸² *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 3, citing ¶¶ 227, 233.

³⁸³ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 3, citing ¶¶ 227, 233.

³⁸⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 225 (emphasis added); see also *id.* Section VII ¶ 3.

and “**effective**” measures to **reduce the risks** derived from the degradation of the global climate system.³⁸⁵ The Court underscored that “States are obligated to guarantee human rights when they are, or should be, **aware of the possibility** that the acts or omissions of their agents or of private individuals may create a risk of severe and irreversible damage, within or outside their territory, **even when they lack absolute certainty in this regard.**”³⁸⁶

121. The obligation to guarantee rights and prevent harm to the climate requires “enhanced due diligence.” The IACtHR ruled that “States must act with enhanced due diligence **to comply with the obligation of prevention** arising from the obligation to guarantee the rights protected by the American Convention in the context of the climate emergency.”³⁸⁷ It further ruled that “States have the obligation to act [...] with [...] enhanced due diligence to **counteract the human causes of climate change** and **to protect** the persons subject to their jurisdiction from climate-related impacts, in particular those who are **most vulnerable.**”³⁸⁸

122. While specifics vary according to context,³⁸⁹ “**enhanced due diligence**” generally requires, among other things:

- a) “adoption of **proactive and ambitious preventive measures** to avoid the worst climate scenarios;”
- b) “utilization of the **best available science** in the design and implementation of climate actions;”
- c) “**integration of the human rights perspective** into the formulation, implementation and monitoring of all policies and measures related to climate change to ensure that they do not create new vulnerabilities or exacerbate preexisting ones;”
- d) “**permanent and adequate monitoring** of the effects and impacts of the adopted measures;”

³⁸⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 227, 229; *see also id.* Section VII ¶ 3.

³⁸⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 229 (emphasis added); *see also id.* Section VII ¶ 3.

³⁸⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 233 (emphasis added).

³⁸⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 3 (emphasis added).

³⁸⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 232-35, 237; *see also id.* Section VII ¶ 3.

- e) “**strict compliance** with the obligations arising from procedural rights [...], in particular, [...] **access to justice**,” and
- f) “**transparency and accountability** in relation to State climate action[.]”³⁹⁰

123. The ICJ largely echoed the IACtHR. The ICJ stressed that “the accumulation of GHG emissions in the atmosphere is causing significant harm to the climate system”³⁹¹ and “results from the cumulative impact of various human activities[.]”³⁹² It confirmed that the standard with which States must fulfill the **obligation to prevent significant harm** under customary international law is **stringent due diligence**,³⁹³ which requires States to:

- a) “[U]se **all means at their disposal** to prevent activities carried out within their jurisdiction or control from causing significant harm to the climate system and other parts of the environment,”³⁹⁴
- b) **Adopt “appropriate [...] measures**, which take account of scientific and technological information, [...] and which vary depending on each State’s respective capabilities,”³⁹⁵ and also adopt “vigilance in the[] enforcement” of those measures,³⁹⁶
- c) “**[P]ut in place a national system**, including legislation, administrative procedures and an enforcement mechanism necessary **to regulate the activities** in question, **and [...] exercise adequate vigilance** to make such a system function efficiently, with a view to achieving the intended objective.”³⁹⁷

124. Instead of “us[ing] **all means at [its] disposal** to prevent activities [...] causing significant harm to the climate system,”³⁹⁸ the U.S. did the opposite. As the U.S. **admits**, despite knowing for more than fifty years that the greenhouse gas emissions from fossil fuel combustion

³⁹⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 236 (emphasis added); see also *id.* Section VII ¶ 3.

³⁹¹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 278; see also ¶ 137.

³⁹² *Obligations in Respect to Climate Change*, I.C.J. ¶ 277; see also ¶¶ 77, 79, 82-83.

³⁹³ *Obligations in Respect to Climate Change*, I.C.J. ¶ 138, 254, 343, 347 (stringent due diligence); see also ¶¶ 135, 273, 280, 457(3)(B)(a) (due diligence).

³⁹⁴ *Obligations in Respect to Climate Change*, I.C.J. ¶ 457(3)(B)(a); see also ¶¶ 132, 175, 208, 272, 281, 290-92; cf. *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 385 (“must encompass all measures necessary to prevent and mitigate [...] to the greatest extent possible, and in accordance with an enhanced due diligence standard”).

³⁹⁵ *Obligations in Respect to Climate Change*, I.C.J. ¶ 136 (emphasis added); see also ¶¶ 254, 290-92.

³⁹⁶ *Obligations in Respect to Climate Change*, I.C.J. ¶ 138.

³⁹⁷ *Obligations in Respect to Climate Change*, I.C.J. ¶ 28 (quoting *Climate Change, Advisory Opinion*, ITLOS Reports ¶ 235 (2024)) (emphasis added) (I.C.J. opinion’s ellipsis).

³⁹⁸ *Obligations in Respect to Climate Change*, I.C.J. ¶ 457(3)(B)(a) (emphasis added); see also, e.g., ¶¶ 132, 175, 208, 272, 281, 292.

would cause measurable long-lasting changes to the global climate, resulting in severe harms to human beings, which will worsen over time, it continued to promote fossil fuels as the dominant form of its national energy system in terms of both energy production and consumption, rather than shifting to clean, renewable energy.³⁹⁹

125. Notwithstanding the government’s own conclusions that climate change demands urgent and deep reductions in CO₂ emissions to protect human life, health, and wellbeing,⁴⁰⁰ the U.S. government has continuously and deliberately:⁴⁰¹

- a) Promoted excessive fossil fuel production on federal public lands;
- b) Provided trillions of dollars in subsidies to the fossil fuel industry;
- c) Increased its imports and exports of fossil fuels; and
- d) Resisted efforts to develop renewable energy.

126. These choices have resulted in reckless increases in national fossil-fuel emissions over the last half century⁴⁰² and amount to an internationally wrongful act.⁴⁰³ Instead of taking steps to prevent harm to the global climate system, the U.S. exacerbated the damage. Instead of reducing greenhouse gas pollution, the government has supercharged it, pushing humanity ever closer to climate catastrophe.⁴⁰⁴

3. The U.S. Government Has Failed to Fulfill its Obligation to Mitigate Greenhouse Gas Pollution, Violating Petitioners’ Rights

³⁹⁹ Section II of this Petition, *supra*.

⁴⁰⁰ Section II of this Petition, *supra*.

⁴⁰¹ Section II of this Petition, *supra*; Plaintiffs “blame a host of federal policies, from subsidies to drilling permits, spanning ‘over 50 years’ and direct actions by government,” including permitting excessive fossil fuel activities. *Juliana*, 947 F.3d at 1169.

⁴⁰² Federal Defendants’ Answer to 2d Am. Compl. ¶ 152.

⁴⁰³ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶¶ 3, 8, 10; *Obligations in Respect to Climate Change*, I.C.J. ¶ 457(3)(B)(a), (3)(E).

⁴⁰⁴ *Juliana v. United States*, 947 F.3d 1159, 1164 (9th Cir. 2020) (“The plaintiffs in this case have presented [...] [a] substantial evidentiary record document[ing] that the federal government has long promoted fossil fuel use despite knowing that it can cause catastrophic climate change, and that failure to change existing policy may hasten an environmental apocalypse.”).

127. The obligations to prevent degradation to the climate system and to guarantee human rights necessarily require mitigation of greenhouse gas emissions.⁴⁰⁵

128. In 2021, this Commission recognized that abrupt- and slow-onset climate impacts pose a major threat to a wide range of rights—including the right to life, food, housing, health, water, and the right to a healthy environment—and, importantly, found that States have an obligation to reduce GHG emissions “to guarantee a safe climate that makes it possible to exercise rights.”⁴⁰⁶

129. The IACtHR reinforced the Commission’s conclusion and declared, unequivocally: “To protect the global climate system and prevent human rights violations resulting from its alteration, States are obliged to mitigate their GHG emissions.”⁴⁰⁷ This is also consistent with the case law of the European Court of Human Rights. In *KlimaSeniorinnen v. Switzerland*, the Court held that the “State’s primary duty is to adopt, and to effectively apply in practice, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change. This obligation flows from the causal relationship between climate change and the enjoyment of Convention rights [...]”⁴⁰⁸

130. Compliance with this obligation requires States to **define a mitigation target and a mitigation strategy based on human rights**.⁴⁰⁹ The requirement to **set a mitigation target** for reducing greenhouse gas emissions “applies to all OAS Member States without exception.”⁴¹⁰ The Court established that States must set this target:

⁴⁰⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 321; *id.* Section VII ¶ 10.

⁴⁰⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 301 (citing IACHR and REDESCA, Resolution No.3/2021, *Climate Emergency: Scope of Inter-American Human Rights Obligations*, operative ¶ 10 [sic, in fact operative ¶ 11] (December 31, 2024, ¶ 11)).

⁴⁰⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 321; *id.* Section VII ¶ 10.

⁴⁰⁸ *KlimaSeniorinnen*, ¶ 545.

⁴⁰⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 322; *id.* Section VII ¶ 10; *see also* ¶¶ 323-32 (mitigation target), 333-44 (human rights-based mitigation strategy).

⁴¹⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 325.

- a) “with the objective of preventing climate damage as a condition for respecting and guaranteeing [...] the right to a healthy climate system;”⁴¹¹
- b) commensurate with their contribution to the climate emergency and their level of development,⁴¹² as guided by the principle of common but differentiated responsibilities⁴¹³ under which “nations that have emitted the most GHG throughout history should assume greater responsibility in relation to mitigation”⁴¹⁴ and States that have “achieved development” possess greater “capacity to contribute to mitigation measures;”⁴¹⁵
- c) grounded in the principles of intra- and intergenerational equity;⁴¹⁶
- d) tailored to the circumstances of each State;⁴¹⁷
- e) “as ambitious[ly] as possible;”⁴¹⁸
- f) guided by the principle of progressivity;⁴¹⁹
- g) based on “best available science;”⁴²⁰ and
- h) grounded in human rights.⁴²¹

131. States must then develop and implement a human rights-based strategy to achieve the mitigation target and keep the strategy updated.⁴²²

⁴¹¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 325.

⁴¹² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 328-29; *see also Obligations in Respect to Climate Change*, I.C.J. ¶ 179 (States’ obligations under the UNFCCC differ depending on “their historic contribution to anthropogenic GHG emissions and their capabilities to adapt to and mitigate the adverse impacts of climate change”).

⁴¹³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 324, 327; *see also Obligations in Respect to Climate Change*, I.C.J. ¶ 179.

⁴¹⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 328.

⁴¹⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 329, 327.

⁴¹⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 327.

⁴¹⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 327, 330.

⁴¹⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 331; *see also* ¶ 323 (“highest possible ambition”).

⁴¹⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 331, 343; *see also Obligations in Respect to Climate Change*, I.C.J. ¶ 457(3)(A)(f).

⁴²⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 327, 331.

⁴²¹ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII ¶ 10.

⁴²² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 322, Section VII ¶ 10; *see also* ¶¶ 335-44; CEDAW General Recommendation No. 37 on the gender related dimensions of disaster risk reduction in the context of climate change, CEDAW/C/GC/37, ¶ 14 (Mar. 7, 2018) (mitigation measures with respect to climate change “should be designed and implemented in accordance with the human rights principles of substantive equality and non-discrimination, participation and empowerment, accountability and access to justice, transparency and the rule of law”).

132. The ICJ also emphasized the obligation of *all* States—even those not party to international climate treaties—to **mitigate greenhouse gas** emissions.⁴²³ Customary international law requires “regulatory mitigation mechanisms that are **designed to achieve the deep, rapid, and sustained reductions of GHG emissions** that are necessary for the prevention of significant harm to the climate system.”⁴²⁴ These obligations are *erga omnes* or “by their very nature [...] the concern of all States.”⁴²⁵ The ICJ further ruled that due diligence demands that these rules and measures be enforced with “a heightened degree of vigilance.”⁴²⁶ It explained that

“the standard of due diligence attaching to the obligation to pursue domestic mitigation measures is stringent on account of the fact that the best available science indicates that the ‘[r]isks and projected adverse impacts and related losses and damages from climate change escalate with every increment of global warming (very high confidence).’”⁴²⁷

133. In addition, under international human rights law, because “the full enjoyment of human rights cannot be ensured without the protection of the climate system,” States are obligated to “take necessary measures”—including mitigation measures—to “protect the climate system” and “guarantee the *effective* enjoyment of human rights.”⁴²⁸

134. This comports with the findings of other courts.⁴²⁹

⁴²³ *Obligations in Respect to Climate Change*, I.C.J. ¶ 409 (“[T]he obligation to prevent significant harm to the climate system and other parts of the environment [...] applies to all States, including those that are not parties to one or more of the climate change treaties.”); *see also* ¶¶ 315, 305, 137, 421, 440–41.

⁴²⁴ *Obligations in Respect to Climate Change*, I.C.J. ¶ 282.

⁴²⁵ *Obligations in Respect to Climate Change*, I.C.J. ¶ 441 (internal quotation marks and citation omitted) (ellipsis in original); *see also* ¶ 315 (“Customary obligations are the same for all States and exist independently regardless of whether a State is a party to the climate change treaties”), ¶ 371 (“States have obligations under international human rights law to respect, protect and ensure the enjoyment of human rights of individuals and peoples.”).

⁴²⁶ *Obligations in Respect to Climate Change*, I.C.J. ¶ 138.

⁴²⁷ *Obligations in Respect to Climate Change*, I.C.J. ¶ 254 (citing IPCC, *2023 Summary for Policymakers*, at 14).

⁴²⁸ *Obligations in Respect to Climate Change*, I.C.J. ¶ 403 (emphasis added).

⁴²⁹ *See, e.g., KlimaSeniorinnen*; The Hague District Court, *Urgenda Foundation v. the Netherlands*, June 24, 2014, paras. 4.83, 4.84, and 5.1, and First Chamber of the Constitutional Court of Germany, Case 1, BvR 2656/18, 1 BvR 78/20, 1 BvR 96/20, of March 24, 2021; High Administrative Court of Berlin-Brandenburg, *Case OVG II A 11/22*, of November 30, 2023, pp. 2 and 45; ITLOS, *Obligations of the States to Prevent, Reduce and Control Marine Pollution and to Protect and Preserve the Marine Ecosystem from the Impacts of Climate Change*, Advisory Opinion of May 21, 2024.

135. Fifty-six years after senior White House officials raised the alarm that climate change was potentially “apocalyptic,” that it might lead to the disappearance of the U.S.’s capital city and its most populous city, and that the burning of fossil fuels was to blame,⁴³⁰ the U.S. still has no mitigation target and no mitigation strategy.⁴³¹ Instead of setting a target to reduce emissions, for the past half a century, the U.S. has increased its consumption and extraction emissions, and today, the U.S. is continuing to “unleash” more fossil fuels and is “reinvigorating” its coal industry.⁴³²

136. Complying with the obligation to mitigate emissions is not only necessary to protect Petitioners’ rights and the planet; it is eminently feasible. As Professor Mark Jacobson, Director of Stanford University’s Atmosphere/Energy Program has demonstrated, no miracles are needed. The U.S. is fully capable to transitioning to 100% renewable energy by 2050 or earlier in line with the scientific prescription of reducing CO₂ concentrations to the scientifically recommended level of 350 ppm.⁴³³

137. The U.S.’s actions over the past 50 years constitute an internationally wrongful act that implicate its international responsibility.⁴³⁴ The ICJ’s Advisory Opinion sets out the legal framework that governs the responsibility of States when—through either actions or omissions—a State “does not exercise due diligence in the performance of its primary obligation to prevent

⁴³⁰ White House Memorandum from Daniel P. Moynihan to John Ehrlichman (Sept. 17, 1969), <https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/jul10/56.pdf>; *see also* Section II(A) of this Petition *supra*.

⁴³¹ Section II of this Petition *supra*.

⁴³² *Reinvigorating America’s Beautiful Clean Coal Industry*, Exec. Order No. 14261, 90 Fed. Reg. 15517 (Apr. 14, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-04-14/pdf/2025-06380.pdf>.

⁴³³ Mark Z. Jacobson et al., *Zero Air Pollution and Zero Carbon from all Energy at Low Cost and Without Blackouts in Variable Weather Throughout the U.S. with 100% Wind-Water-Solar and Storage*, 184 *Renewable Energy* 430-442 (2022), available at <https://doi.org/10.1016/j.renene.2021.11.067>; Mark Z. Jacobson, *No Miracles Needed: How Today’s Technology Can Save Our Climate and Clean Our Air* (2023) <https://web.stanford.edu/group/efmh/jacobson/WWSNoMN/NoMiracles.html>; *see also* Section II(D) of this Petition *supra*.

⁴³⁴ *Obligations in Respect to Climate Change*, I.C.J. ¶ 409; *see also* ¶¶ 405-43.

significant harm [...] to the climate system” or fails “to ensure the protection of the climate system [...] from anthropogenic emissions of greenhouse gases.”⁴³⁵

138. The ICJ made it clear that “what constitutes a wrongful act is not the emissions in and of themselves but actions or omissions causing significant harm to the climate system in breach of a State’s international obligations.”⁴³⁶ It emphasized that:

“Failure of a State to take appropriate action to protect the climate system from GHG emissions — including through **fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licenses** or the provision of **fossil fuel subsidies** — may constitute an internationally wrongful act which is attributable to that State.”⁴³⁷

139. The United States, **by its own admissions**, has **perpetrated all of these acts**.⁴³⁸ These wrongful acts have resulted in the violation of an array of Petitioners’ rights, as explained below.

140. As a consequence of its internationally wrongful acts, the U.S. has (i) the continuing “duty to perform” its international obligations, including to mitigate GHG emissions;⁴³⁹ (ii) the duty to “cease” its internationally wrongful acts, for example, by “employ[ing] all means at [its] disposal to reduce [its] GHG emissions;”⁴⁴⁰ and (iii) the “duty to make reparation,” including through restitution, compensation, or satisfaction,⁴⁴¹ which can take the form of “public acknowledgments or statements” or “a formal declaration by an international court or tribunal of wrongfulness of State conduct.”⁴⁴²

⁴³⁵ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 406, 409, 457(A).

⁴³⁶ *Obligations in Respect to Climate Change*, I.C.J. ¶ 429; see also ¶¶ 427, 436.

⁴³⁷ *Obligations in Respect to Climate Change*, I.C.J. ¶ 427 (emphasis added).

⁴³⁸ Section II(B) of this Petition, *supra*.

⁴³⁹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 446.

⁴⁴⁰ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 447-48.

⁴⁴¹ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 449-55.

⁴⁴² *Obligations in Respect to Climate Change*, I.C.J. ¶ 455.

B. The U.S.’s Deliberate Emission of Greenhouse Gas Pollution Violates Petitioners’ Substantive Rights Protected by the American Declaration

141. The U.S.’s deliberate actions to promote fossil fuels have infringed Petitioners’ rights to life, liberty, and security of person (Article I), health (Article XI), special protections for children (Article VII), home, property, and private and family life (Articles V, VI, IX, and XXIII), benefits of culture (Article XIII), equality and non-discrimination (Article II), dignity (guaranteed in the Declaration’s Preamble), and the independent right to a healthy climate protected by Article 26 of the American Convention, international human rights law, and customary international law.⁴⁴³

1. Right to Life

142. Article I of the American Declaration provides: “Every human being has the right to life, liberty and security of his person.”⁴⁴⁴ The right to life not only entitles individuals to be free from acts or omissions that may be expected to cause their unnatural or premature death, but also “to enjoy a life with dignity.”⁴⁴⁵

143. In 2021, this Commission recognized that abrupt and slow-onset climate impacts pose a major threat to a wide range of rights, including the right to life.⁴⁴⁶

⁴⁴³ While the focus of this submission is on how the U.S. government’s failure to meet its obligations violate the enumerated rights, Petitioners would like to underscore that the U.S.’s actions also infringe upon their rights to: (i) education (American Declaration, art. XII; *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 453-457); (ii) work under proper conditions (American Convention on Human Rights, art. 26, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123 (entered into force July 18, 1978) [hereinafter American Convention]; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, art. 12, Nov. 17, 1988, O.A.S.T.S. No. 69, 28 I.L.M. 156 (1989) (entered into force Nov. 16, 1999); *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 435-440); (iii) water and food (American Declaration, art. XXVI; *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 435-440); and (iv) science (American Declaration, art. XIII; *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 471-487). Should the Commission like a supplemental submission on the government’s violations of these rights, Petitioners stand ready to provide it.

⁴⁴⁴ American Declaration, art. I. The right to life is also protected by the International Covenant on Civil and Political Rights, Art. 6 and Convention on the Rights of the Child, Art. 6.

⁴⁴⁵ H.R. Comm., General Comment No. 36, *Article 6: Right to Life*, CCPR/C/GC/36, ¶ 3 (Sept. 3, 2019).

⁴⁴⁶ IACHR and REDESCA, Resolution No.3/2021, *Climate Emergency: Scope of Inter-American Human Rights Obligations*, at 5 (Dec. 31, 2021).

144. In its recent Advisory Opinion, the IACtHR reached an even more unequivocal conclusion: greenhouse gas pollution and the resulting climate change “constitutes one of the most serious threats to the capacity of present and future generation to enjoy the right to life.”⁴⁴⁷ The Court then addressed the life-threatening consequences of climate change, finding that

- a) “climate change ‘has numerous direct and indirect effects on the full enjoyment of the right to life;’”⁴⁴⁸
- b) “‘climate-related deaths are caused by extreme weather events, heatwaves, floods, droughts, wildfires, waterborne and vector-borne diseases, malnutrition, and air pollution;’”⁴⁴⁹ and
- c) the “life-threatening effects of climate change worsen progressively as global warming increases.”⁴⁵⁰

145. The ICJ also underscored that climate change constitutes one of the “most pressing and serious threats to the ability of present and future generations to enjoy the right to life,”⁴⁵¹ “may impair the enjoyment of the right to life in various ways,”⁴⁵² and that climate change is an “existential problem of planetary proportions that imperils all forms of life.”⁴⁵³

146. The conclusion that climate change infringes the right to life is consistent with the findings of UN Treaty Bodies⁴⁵⁴ and with the admissions of the U.S. government.⁴⁵⁵

⁴⁴⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 394.

⁴⁴⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 394 (quoting David R. Boyd, *Rep. of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Env’t.*, ¶ 29, U.N. Doc. A/74/161 (July 15, 2019)).

⁴⁴⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 394 (quoting David R. Boyd, *Rep. of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Env’t.*, ¶ 29, U.N. Doc. A/74/161 (July 15, 2019)).

⁴⁵⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 395 (citing Office of the U.N. High Comm’r for Hum. Rts., Hum. Rts. Council, *Analytical Study on the Relationship Between Climate Change and the Human Right to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health*, ¶ 8, U.N. Doc. A/HRC/32/23 (May 6, 2016)).

⁴⁵¹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 377 (quoting H.R. Comm., General Comment No. 36, *Article 6: Right to Life*, CCPR/C/GC/36, ¶ 62 (September 3, 2019)).

⁴⁵² *Obligations in Respect to Climate Change*, I.C.J. ¶ 377.

⁴⁵³ *Obligations in Respect to Climate Change*, I.C.J. ¶ 456.

⁴⁵⁴ See, e.g., H.R. Comm., General Comment No. 36: art. 6 (Right to Life), ¶¶ 2, 26, 62, CCPR/C/GC/36 (Sept. 3, 2019); Committee on the Rights of the Child, General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change, CRC/C/GC/26, ¶ 20 (Aug. 22, 2023).

⁴⁵⁵ Section II (C) of this Petition *supra*.

147. Petitioners have experienced violations of their right to life. Extreme climate events disrupt their ability to live in balance in nature. To illustrate, Isaac has asthma.⁴⁵⁶ When wildfire smoke increasingly and inescapably seeps into Isaac’s home, as it did in September 2020, it is “a life or death situation, not just an inconvenience.”⁴⁵⁷ Although Jayden survived the flood that swiftly rose in her bedroom where she slept and destroyed much of her home in 2016, many people in her region drowned.⁴⁵⁸ Days after floodwaters swept through her home, Jayden herself became “real sick” with a fever and upset stomach because the water was contaminated with sewage and chemical spillage from flood-damaged petroleum infrastructure.⁴⁵⁹ Each subsequent flood or fire event endangers Isaac’s and Jayden’s lives anew. These are merely examples of the many threats to life Petitioners have endured.⁴⁶⁰

148. In sum, the evidence is indisputable: greenhouse gas pollution—and the climate emergency it drives—directly endangers the Petitioners’ right to life. For more than half a century, the United States has knowingly fueled this danger by expanding fossil fuel production and consumption, granting fossil fuel exploration licenses, and pouring billions of dollars into fossil fuel subsidies—all while fully aware that these emissions create hazardous atmospheric concentrations and accelerate climate change.⁴⁶¹ These deliberate actions violate the individual Petitioners’ right to life.

⁴⁵⁶ Isaac 2024 Decl. ¶ 3; Appendix B.

⁴⁵⁷ Isaac 2024 Decl. ¶ 3; Appendix B.

⁴⁵⁸ Jayden 2016 Decl. ¶ 18; Appendix B.

⁴⁵⁹ Jayden 2016 Decl. ¶¶ 16, 19; Appendix B.

⁴⁶⁰ See Appendix B.

⁴⁶¹ Section II(B) and (C) of this Petition *supra*.

2. Right to Health

149. Article XI of the American Declaration provides: “Every human being has the right to the preservation of his health.”⁴⁶² The right to health is understood as the “highest attainable standard of physical and mental health.”⁴⁶³

150. In 2021, this Commission recognized that abrupt and slow-onset climate impacts pose a major threat to a wide range of rights, including the right to health.⁴⁶⁴

151. The IACtHR found that **children are physically and physiologically more vulnerable to climate change than adults**,⁴⁶⁵ and determined that the harmful effects of climate change lead to an increase in the incidence of respiratory and cardiovascular diseases, malnutrition, stunted growth, emaciation, allergies, heatstroke, injuries, waterborne and vector-borne diseases, as well as mental health problems.⁴⁶⁶ The IACtHR further emphasized that climate change may give rise to new mental health conditions and worsen the situation of individuals already suffering from such conditions, with particularly severe harm to the mental health of children and adolescents.⁴⁶⁷

⁴⁶² The right to health is also protected by Protocol of San Salvador, art. 10; Inter-Am. Ct. H.R., *Gonzales Lluy v. Ecuador*, ¶ 170 (2015); International Covenant on Economic, Social and Cultural Rights, art. 12; Universal Declaration of Human Rights, art. 25; Convention on the Rights of the Child, art. 24; *Obligations in Respect to Climate Change*, I.C.J. ¶ 379, ICESCR General Comment No. 14, U.N. Doc. E/C.12/2000/4 ¶¶ 4, 9–12, 33–37 (2000).

⁴⁶³ International Covenant on Economic, Social and Cultural Rights, art. 12(1); *see also* Convention on the Rights of the Child, art. 24(1) (“the highest attainable standard of health”).

⁴⁶⁴ IACHR and REDESCA, Resolution No.3/2021 *Climate Emergency: Scope of Inter-American Human Rights Obligations*, p. 5 (Dec. 31, 2021).

⁴⁶⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597; *see also* Section II(C), *supra*.

⁴⁶⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 397 (citing David R. Boyd, A/74/161, *Report of the Special Rapporteur on the Issue of Human Rights Obligations Related to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment*, United Nations, ¶¶ 31, 32 (July 15, 2019); World Health Organization (WHO) and Pan American Health Organization (PAHO), *Climate Change and Health*, available at <https://www.paho.org/es/temas/cambio-climatico-health>).

⁴⁶⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 398 (citing World Health Organization (WHO), *Mental Health and Climate Change: Policy Brief* (2022) <https://www.who.int/publications/i/item/9789240045125>; Committee on the Rights of the Child, *General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change*, CRC/C/GC/26, ¶ 41 (Aug. 22, 2023); Brief with observations submitted by the Special Representative of the Secretary-General on Violence against Children, Annex 2: Annual Report of the Special Representative of the Secretary-General on Violence against Children, A/77/221, ¶ 64 (July 25, 2022)).

152. The ICJ underscored that “climate change threatens the ability of individuals to enjoy the right to health.”⁴⁶⁸ The ICJ further emphasized that the World Health Organization (WHO) “has identified that climate change potentially poses ‘the greatest threat to global health in the 21st century’,”⁴⁶⁹ and found that climate change puts “[h]uman life and health [...] at risk, with an increased incidence of heat-related illnesses and the spread of climate-related diseases.”⁴⁷⁰ The ICJ concluded that “[t]hese consequences underscore the urgent and existential threat posed by climate change.”⁴⁷¹

153. These findings are consistent with findings of the Inter-Governmental Panel on Climate Change,⁴⁷² the Committee on the Rights of the Child,⁴⁷³ UNICEF,⁴⁷⁴ and medical professionals worldwide.⁴⁷⁵

154. The above findings are consistent with admissions of the U.S. government in *Juliana v. U.S.*⁴⁷⁶ and the factual findings of the U.S. District Court and the Ninth Circuit.⁴⁷⁷ When

⁴⁶⁸ *Obligations in Respect to Climate Change*, I.C.J. ¶ 379.

⁴⁶⁹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 379 (citing Human Rights Council, Resolution 53/6, preambular ¶ 17 (July 12, 2023); WHO, *Report by the Director-General on Health, Environment and Climate Change*, 71st World Health Assembly, Doc. A71/10, ¶¶ 3-7 (Apr. 9, 2018)).

⁴⁷⁰ *Obligations in Respect to Climate Change*, I.C.J. ¶ 73.

⁴⁷¹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 73.

⁴⁷² See generally IPCC AR6 Working Group II, *Chapter 7: Health, Well Being and Changing Structure of Communities*; see specifically p.1044 (“Climate related illnesses, premature deaths, malnutrition in all its forms, and threats to mental health and well-being are increasing (very high confidence).”).

⁴⁷³ Committee on the Rights of the Child, *General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change*, CRC/C/GC/26, ¶ 39 (Aug. 22, 2023) (Climate change is an obstacle to “the realization of children’s right to health. [...] For example, rising temperatures caused by climate change increase the risk of vector-borne and zoonotic diseases and concentrations of air pollutants that stunt brain and lung development and exacerbate respiratory conditions.”).

⁴⁷⁴ UNICEF, *A Threat to Progress: Confronting the Effects of Climate Change on Child Health and Well-Being*, at 3 (July 2024) (“[C]limate change is impacting almost every aspect of child health and well-being from pregnancy to adolescence. The health impacts compound as children face climate-related hazards that often overlap.”); *id.* at 8 (“Climate change intertwines with these existing vulnerabilities to place children at greater risk of death and disease, and adverse lifelong outcomes than ever before.”) [hereinafter UNICEF, *A Threat to Progress*].

⁴⁷⁵ See Section II of this Petition, *supra*.

⁴⁷⁶ Federal Defendants’ Answer to 1st Am. Compl. ¶¶ 5, 8, 202, 207, 213, 216, 237, 255 (admitting numerous serious health impacts).

⁴⁷⁷ *Juliana v. United States*, 339 F. Supp. 3d 1062, 1072, 1087 (D. Or. 2018) (noting plaintiffs testified about their “adverse health [...] impacts” and “psychological trauma”); *Juliana v. United States*, 947 F.3d 1159, 1165 (9th Cir. 2020) (noting plaintiffs alleged “various climate-change related injuries,” including “exacerbated medical conditions”).

the U.S. District Court ordered *Juliana v. U.S.* to proceed to trial—before the case was derailed by the government’s extraordinary procedural tactics—the court found, based on the government’s own admissions and filings, that the *Juliana* plaintiffs and U.S. defendants agreed that “climate change is happening, is caused in significant part by humans, specifically human induced fossil fuel combustion, and **poses a ‘monumental’ danger to Americans’ health and welfare.**”⁴⁷⁸

155. Petitioners have experienced violations of their right to maintain the highest attainable standard of health. To illustrate, as temperatures rise, Leo has suffered repeated bouts of heat exhaustion.⁴⁷⁹ Nic’s asthma is worsened by exposure to fossil fuel pollution and increasing wildfire smoke.⁴⁸⁰ Avery has been diagnosed with climate anxiety, part of which stems from the delays and denial of justice in *Juliana v. U.S.*,⁴⁸¹ which experts call institutional betrayal, an acknowledged Adverse Childhood Event, that cumulatively harms children.⁴⁸² These are merely examples of the many injuries to health Petitioners have endured.⁴⁸³

156. In sum, the U.S.’s deliberate expansion of its national fossil fuel-based energy system, while knowing the dangers CO₂ emissions posed to the right to the highest attainable standard of physical and mental health, especially for children,⁴⁸⁴ violates the individual Petitioners’ right to health.

3. Rights to Special Protections for Children, Equality, and Non-Discrimination

⁴⁷⁸ *Juliana v. United States*, 339 F. Supp. 3d 1062, 1072 (D. Or. 2018) (emphasis added); *see also Juliana v. United States*, 217 F. Supp. 3d 1224, 1234 n.3 (D. Or. 2016) (noting the government’s admission that climate change is a monumental threat to Americans’ health and welfare).

⁴⁷⁹ Leo 2018 Decl. ¶ 11 (under seal).

⁴⁸⁰ Nic 2019 Decl. ¶¶ 4-7; Appendix B.

⁴⁸¹ Avery 2024 Decl. ¶ 9; Appendix B.

⁴⁸² Expert Report of Lise Van Susteren, D. Ct. Doc. 271-1; Carley P. Smith & Jennifer J. Freyd, *Institutional Betrayal*, 9 Am. Psychologist 575 (2014).

⁴⁸³ *See* Appendix B.

⁴⁸⁴ Section II of this Petition, *supra*.

157. Article VII of the American Declaration provides that “all children have the right to special protection, care and aid.”⁴⁸⁵ Article II provides that “[a]ll persons are equal before the law and have the rights and duties established in this American Declaration, without distinction[.]”⁴⁸⁶ To apply the principle of equality, States must “compile all the information concerning [the] risks, their scale, the characteristics of the population groups that may be affected, and the most appropriate measures to guarantee the full enjoyment of their rights. This information should be taken into account in all public policies to address the climate emergency, including [...] mitigation strategies and targets.”⁴⁸⁷

158. As the IACtHR recognized, “climate has a particular impact on [...] children.”⁴⁸⁸ Considering the medical fact that children “differ biologically from adults,” making them “physically and physiologically more vulnerable” to the adverse effects of climate,⁴⁸⁹ the IACtHR found that “the effects of climate change, such as ‘water scarcity, food insecurity, vector-borne and waterborne diseases, the intensification of air pollution and physical trauma linked to both sudden- and slow-onset events, are disproportionately borne by children.’”⁴⁹⁰

159. Specifically, the IACtHR found that the following effects of climate change disproportionately harm children:

⁴⁸⁵ American Declaration, art. VII; *see also* American Convention on Human Rights, art. 19; Convention on the Rights of the Child, art. 3(1); International Covenant on Civil and Political Rights, art. 24(1); International Covenant on Economic, Social, and Cultural Rights, art. 10(3).

⁴⁸⁶ American Declaration, art. II.

⁴⁸⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 595.

⁴⁸⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 596.

⁴⁸⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597; *see also* Section II, *supra*.

⁴⁹⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597 (quoting Committee on the Rights of the Child, *General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change*, CRC/C/GC/26, ¶ 40 (Aug. 22, 2023)); *see also* U.N. General Assembly Human Rights Council, Resolution 32/33, A/HRC/RES/32/33 (Jul. 1, 2016) <https://undocs.org/A/HRC/RES/32/33> (“Recognizing that [...] climate change [...] may have a serious impact on [children’s] enjoyment of the highest attainable standard of physical and mental health, access to education, adequate food, adequate housing, safe drinking water and sanitation”); Section II of this Petition, *supra*.

- a) “rising temperatures caused by climate change increase the risk of vector-borne and zoonotic diseases and concentrations of air pollutants that stunt brain and lung development and exacerbate respiratory conditions.”⁴⁹¹
- b) “environmental degradation and pollution may result in ‘reductions in microbial diversity, which is critical to the development of children’s immune systems, and the increasing prevalence of autoimmune diseases, with long-term effects.’”⁴⁹²
- c) “the increase of CO₂ concentrations ‘reduce[s] the density of important nutrients in some crops, with projected increases in undernutrition and micronutrient deficiency.’ ‘This is leading to “malnutrition in children and stunting their growth, with devastating effects on their physical, cognitive and emotional development.”’⁴⁹³
- d) the psychosocial and mental health conditions that children suffer or may suffer as a result of climate change, including depression and “eco- anxiety.”⁴⁹⁴

160. These findings that climate change disproportionately harms children and youth are consistent with findings of UNICEF,⁴⁹⁵ medical associations,⁴⁹⁶ and medical research.⁴⁹⁷

⁴⁹¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597 (quoting Committee on the Rights of the Child, *General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change*, CRC/C/GC/26, ¶ 39 (Aug. 22, 2023)).

⁴⁹² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597 (quoting Committee on the Rights of the Child, *General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change*, CRC/C/GC/26, ¶ 39 (Aug. 22, 2023)).

⁴⁹³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597 (quoting Ian Fry, A/77/226, *Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change*, ¶ 40 (July 26, 2022); UNICEF, *The Climate Crisis is a Child Rights Crisis*, at 10 (2021), available at <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf>.

⁴⁹⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 597 (citing Committee on the Rights of the Child, *General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change*, CRC/C/GC/26, ¶ 41 (Aug. 22, 2023)).

⁴⁹⁵ UNICEF, *A Threat to Progress: Confronting the Effects of Climate Change on Child Health and Well-Being*, at 3 (July 2024) (“[C]limate change is impacting almost every aspect of child health and well-being from pregnancy to adolescence. The health impacts compound as children face climate-related hazards that often overlap.”); *id.* at 8 (“Climate change intertwines with these existing vulnerabilities to place children at greater risk of death and disease, and adverse lifelong outcomes than ever before.”).

⁴⁹⁶ See, e.g., Samantha Ahdoot et al., American Academy of Pediatrics, *Climate Change and Children’s Health: Building a Healthy Future for Every Child*, Policy Statement, 153 *Pediatrics* e2023065504 (2024).

⁴⁹⁷ I/A *Amicus*, OCT et al.

161. The above findings are also consistent with numerous findings of the U.S. government. The government has known for decades that climate change disproportionately impacts children and youth. For example,⁴⁹⁸

- a) Nearly two decades ago, the Children’s Health Protection Advisory Committee at the U.S. Environmental Protection Agency (“EPA”) advised the Administrator of the EPA that climate change will disproportionately affect child health and that efforts to address climate change need to be substantially strengthened to protect children.⁴⁹⁹
- b) A 2023 report issued by the EPA found “[c]hildren are uniquely vulnerable to climate change” and “[c]limate impacts experienced during childhood can have lifelong consequences.”⁵⁰⁰
- c) The U.S. has also recognized “climate anxiety” among children as a chronic stressor that will have adverse effects on children’s lives.⁵⁰¹

162. Petitioners have experienced violations of their right as children to special protection, care, and aid. At age 13, Jayden declared to the District Court after her home was destroyed by a flood: “I am scared.”⁵⁰² When Miko returned to be a guest speaker at a school in her birthplace the Marshall Islands, Miko remembers a teacher asking the young students, “[W]hat happens when the water comes up?” The students shared that “they go underwater.”⁵⁰³ Miko at age 17 also attested, after having stayed overnight in a wildfire evacuation area: “It’s beyond scary and I shouldn’t have to deal with this. I feel like I am doing everything I can as an individual, but

⁴⁹⁸ While a comprehensive account of the U.S. government’s knowledge of the adverse effects of greenhouse-gas emissions and resulting climate change on child health is beyond the scope of this submission, Petitioners stand ready to provide detailed supporting evidence upon the Commission’s request.

⁴⁹⁹ Letter from Melanie A. Marty, Children’s Health Protection Advisory Committee, to EPA Administrator Johnson (Aug. 30, 2005), available at <https://www.epa.gov/sites/default/files/2014-05/documents/8302005.pdf>.

⁵⁰⁰ U.S. EPA, Office of Atmospheric Protection, *Climate Change and Children’s Health and Well-Being in the United States*, at 4 (Apr. 2023), available at https://www.epa.gov/system/files/documents/2023-04/CLiME_Final%20Report.pdf, or upon request.

⁵⁰¹ U.S. EPA, *Climate Change and Children’s Health and Well-Being in the United States - Appendix A*, at 2 (Apr. 2023), https://www.epa.gov/system/files/documents/2023-04/CLiME_Appendix%20A_Approach.pdf.

⁵⁰² Jayden 2016 Decl. ¶ 21; Appendix B.

⁵⁰³ Miko 2024 Decl. ¶ 8; Appendix B.

I can't solve this crisis by myself.”⁵⁰⁴ These are merely examples illustrating why children are owed special protections under the law.⁵⁰⁵



Miko Vergun, 2020 Wildfires.

163. In sum, the U.S. government’s insistence on refraining from meaningful climate action and its continued support for fossil fuel exploitation subjects children and youth, including Petitioners, to greater risks and a lower level of protection than was afforded to their predecessors.⁵⁰⁶ These deliberate actions violate the individual Petitioners’ right to special protections for children and their rights to equality and non-discrimination.

4. Rights to Home, Property, and Private and Family Life

164. Article V of the American Declaration provides that “[e]veryone has the protection of the law against abusive attacks upon his honor, his reputation, and private and family life.”⁵⁰⁷ Article VI guarantees the right of every person “to establish a family, the basic element of society, and to receive protection therefore.”⁵⁰⁸ Under Article IX, “[e]very person has the right to the inviolability of his home,”⁵⁰⁹ and Article XXIII guarantees every person “a right to own such

⁵⁰⁴ Miko 2018 Decl. ¶ 13 (under seal).

⁵⁰⁵ See Appendix B.

⁵⁰⁶ Section II of this Petition, *supra*.

⁵⁰⁷ American Declaration, art. V.

⁵⁰⁸ American Declaration, art. VI.

⁵⁰⁹ American Declaration, art. IX.

private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.”⁵¹⁰

165. In 2017, the IACtHR recognized that the right to respect for private and family life is particularly vulnerable to environmental degradation,⁵¹¹ and in its Advisory Opinion on the Climate Emergency, it confirmed that “manifestations of climate change such as floods, droughts, heatwaves, sea level rise, and the increase of vector-borne diseases jeopardize the enjoyment of rights such as to [...] private and family life.”⁵¹² The Court also emphasized the “importance of the home as a space in which private life can be freely developed.”⁵¹³ It found that “slow-onset effects, such as sea level rise [...] and climate-related disasters, such as fires, floods, and tropical cyclones, may violate the right to property as a result of damage to or destruction of infrastructure, settlements, housing, and other property.”⁵¹⁴

166. This is consistent with the finding of other courts and international bodies.⁵¹⁵ In *KlimaSeniorinnen v. Switzerland*, the Court held that Switzerland’s failure to address climate change violated the right to respect for private and family life.⁵¹⁶ The Court emphasized that

⁵¹⁰ American Declaration, art. XXIII; *see also* American Convention on Human Rights, arts. 21, 26; OAS Charter, art. 34(k) (“The Member States [...] agree to devote their utmost efforts to accomplishing [...] [a]dequate housing for all sectors of the population[.]”); Universal Declaration of Human Rights, art. 25(1); International Covenant on Economic, Social, and Cultural Rights, art. 11(1).

⁵¹¹ Inter-Am Ct. H.R., *The Environment and Human Rights*, Advisory Opinion OC-23/17 of November 15, 2017, Series A No. 23, ¶ 66, cited by *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 403.

⁵¹² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 234.

⁵¹³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 403, citing *Case of the Ituango v. Colombia*. Preliminary objections, merits, reparations and costs, Judgment of July 1, 2006. Series C No. 148, ¶¶ 193-94, and *Case of Valencia Campos et al. v. Bolivia*. Preliminary objection, merits, reparations and costs. Judgment of October 18, 2022. Series C No. 469, ¶ 147.

⁵¹⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 407.

⁵¹⁵ *See, e.g., Lopez Ostra v. Spain*, App. No. 16798/90, 20 Eur. H.R. Rep. 277 (1994), ¶ 297 (finding that Spain “did not succeed in striking a fair balance between the interest of the town’s economic well-being – that of having a waste-treatment plant – and the applicant’s effective enjoyment of her right to respect for her home and her private and family life.”); *Fadeyeva v. Russia*, Eur. Ct. H.R., App. No. 55723/00 (June 9, 2005) ¶¶ 10-11, 15, 88 (“Even assuming that the pollution did not cause any quantifiable harm to her health, it inevitably made the applicant more vulnerable to various illnesses. Moreover, there can be no doubt that it adversely affected her quality of life at home. Therefore, the Court accepts that the actual detriment to the applicant’s health and well-being reached a level sufficient to bring it within the scope of Article 8 of the Convention”).

⁵¹⁶ *KlimaSeniorinnen*, p. 230, ¶ 7.

“climate change [...] poses a serious current and future threat to the enjoyment of human rights guaranteed under the Convention” and that “States are aware of it and capable of taking measures to effectively address it.”⁵¹⁷ In the *Case of Billy and Others v. Australia*, the Human Rights Committee recognized that “climate change impacts may adversely affect the well-being of individuals and constitute foreseeable and serious violations of private and family life.”⁵¹⁸ The ICJ also observed, in its Advisory Opinion, that “[i]ndividuals’ livelihoods have been affected through the destruction of homes and infrastructure, and the loss of property[.]”⁵¹⁹

167. This Commission also recognized that abrupt and slow-onset climate impacts pose a major threat to a wide range of rights, including the right to housing⁵²⁰ and that pollution can violate the right to private and family life under Article V.⁵²¹

168. Summing up the challenge, a report published by the UN Special Rapporteur on the right on adequate housing stated, “The climate crisis is also a housing crisis.”⁵²² The report further found that “the destruction that climate-induced extreme weather events, including cyclones, typhoons, flooding and wildfires, wreak on housing”⁵²³—as well as “slow-onset processes”⁵²⁴—

⁵¹⁷ *KlimaSeniorinnen*, ¶ 436 (emphasis added).

⁵¹⁸ Human Rights Committee, *Case of Billy and Others v. Australia*, Communication No. 3624/2019, Decision of September 24, 2022, ¶ 8.12

⁵¹⁹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 78.

⁵²⁰ IACHR and REDESCA, Resolution No.3/2021, *Climate Emergency: Scope of Inter-American Human Rights Obligations*, at 5 (Dec. 31, 2021).

⁵²¹ *Mossville Environmental Action Now v. United States*, Petition No. P-242-05, ¶ 42 (Inter-American Comm’n Hum. Rts. June 23, 2008). In a petition lodged before the IACHR in 2008 on behalf of residents of Mossville, Louisiana, USA, the petitioners argued that the noxious effects of pollution from industrial facilities permitted by the U.S. Government amounted to a breach of the rights to private and family life protected by Article V of the American Declaration. The IACHR, in its admissibility report, found the allegations concerning the rights to private and family life under Article V admissible and called for an examination of the merits.

⁵²² Human Rights Council, UN Special Rapporteur on adequate housing, *Towards a Just Transformation: Climate Crisis and the Right to Housing*, A/HRC/52/28, ¶ 1 (Dec. 23, 2022).

⁵²³ Human Rights Council, UN Special Rapporteur on adequate housing, *Towards a Just Transformation: Climate Crisis and the Right to Housing*, A/HRC/52/28, ¶ 12 (Dec. 23, 2022).

⁵²⁴ Human Rights Council, UN Special Rapporteur on adequate housing, *Towards a Just Transformation: Climate Crisis and the Right to Housing*, A/HRC/52/28, ¶ 1 (Dec. 23, 2022); see also *id.* ¶¶ 11, 17-19.

are “already having a severe impact on all aspects of the enjoyment of the right to housing around the world.”⁵²⁵

169. The above findings are consistent with admissions of the U.S. government in *Juliana v. U.S.*⁵²⁶ and the U.S. Ninth Circuit Court of Appeals. The Ninth Circuit concluded, “Copious expert evidence establishes that this unprecedented rise [in CO₂] stems from fossil fuel combustion and will wreak havoc on the Earth’s climate if unchecked. [...] extreme heat [...] may cause sea levels to rise 15 to 30 feet by 2100. The problem is approaching “the point of no return.” Absent some action, **the destabilizing climate will bury cities, spawn life-threatening natural disasters, and jeopardize critical food and water supplies.**”⁵²⁷

170. Petitioners have experienced violations of their right to maintain dignity of the home, and private and family life. To illustrate, Jayden’s home in Rayne, Louisiana outside of the floodplain was destroyed by what was described as a 1-in-1,000-year flood in August 2016— and as she attested, she also lost “many of our belongings, including our furniture and mattresses, and my little brother’s toys.”⁵²⁸ Hurricanes forced Levi to evacuate his Florida barrier-island home twice in two years,⁵²⁹ and he “spent most of [his] childhood [facing] mandatory hurricane evacuations that only became more frequent as [he] grew up. It was a regular threat to [Levi’s] family’s safety and [their] home.”⁵³⁰ In 2020, Levi’s family became climate refugees and moved inland, away from Levi’s friends, community, and his weekly connection to the beach and ocean that were instrumental to his life.⁵³¹ Thereafter, Levi and his mom, while pregnant with Levi’s little

⁵²⁵ Human Rights Council, UN Special Rapporteur on adequate housing, *Towards a Just Transformation: Climate Crisis and the Right to Housing*, A/HRC/52/28, ¶ 11 (Dec. 23, 2022).

⁵²⁶ See Federal Defendants’ Answer to 2d Am. Compl. ¶¶ 229, 253 and Section II in this Petition, *supra*.

⁵²⁷ *Juliana v. United States*, 947 F.3d 1159, 1166 (9th Cir. 2020).

⁵²⁸ Jayden 2016 Decl. ¶ 12; Appendix B.

⁵²⁹ Levi 2019 Decl. ¶¶ 18, 22; Appendix B.

⁵³⁰ Levi 2024 Decl. ¶ 3; *see also* Levi 2019 Decl. ¶ 5; Appendix B.

⁵³¹ Levi 2024 Decl. ¶ 3.

sister, were threatened by an unseasonal extreme storm and flood event while camping inland.⁵³² Levi's right to his family and home have been threatened on an ongoing basis as storm events worsen in his state of Florida.⁵³³ Because Alexander has asthma, his work on his family's Oregon farm is disrupted by increasingly severe and frequent wildfire smoke.⁵³⁴ In September 2020, Isaac relocated from Oregon to Washington, DC to escape the wildfires and smoke until it was safe to return home.⁵³⁵ These are merely examples of the many injuries of the right to home, and private, and family life Petitioners have endured.⁵³⁶



Alexander Wallace Loznak. Wildfire near his family farm. 2023

171. Thus, by knowingly expanding fossil fuel production and consumption and increasing its GHG emissions,⁵³⁷ the U.S. government has interfered with Petitioners' privacy, family, home, and property in violation of Articles V, VI, IX, and XXIII of the American Declaration.

⁵³² Levi 2024 Decl. ¶¶ 4-5.

⁵³³ Levi 2019 Decl. ¶ 5; Appendix B (Levi has since needed to relocate from his childhood home).

⁵³⁴ Alexander 2016 Decl. ¶ 35; Appendix B.

⁵³⁵ Isaac 2024 Decl. ¶¶ 3-4; Appendix B.

⁵³⁶ See, Appendix B.

⁵³⁷ Section II of this Petition, *supra*.

5. Right to the Benefits of Culture

172. Article XIII of the American Declaration provides: “Every person has the right to take part in cultural life of the community.”⁵³⁸

173. In its recent Advisory Opinion, the IACtHR concluded—based on numerous observations submitted during the proceedings—that “the damage and destruction of culture and cultural heritage caused by climate change can especially affect Indigenous Peoples [...] because of their close relationship with the land and water. In particular, it can impair the right of Indigenous Peoples to participate in cultural life, including [...] the ability to maintain and strengthen their cultural relationship with their land and territory”⁵³⁹ and that climate change “threaten[s] the right to participate in cultural life due to the destruction of places of cultural significance and involuntary displacement.”⁵⁴⁰

174. The Committee on the Rights of the Child has likewise recognized that “the right to exercise cultural rights among indigenous peoples may be closely associated with the use of traditional territory and the use of its resources.”⁵⁴¹ Courts have reached this same conclusion. With respect to the rights of Indigenous children, the IACtHR ruled that,

“[F]or the full and harmonious development of their personality, indigenous children and adolescents, in accordance with their worldview, preferably require to be formed and grow up within their natural and cultural environment, since they possess a distinctive identity that links them to their land, culture, religion and language.”⁵⁴²

The Court further found that “the traditional and subsistence economic activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognized as important

⁵³⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 448 (quoting American Declaration).

⁵³⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 450.

⁵⁴⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 449.

⁵⁴¹ Committee on the Rights of the Child, General Comment No. 11, CRC/C/GC/11 (Feb. 12, 2009).

⁵⁴² I/A Court H.R., *Case of Tagaeri and Taromenane Indigenous Peoples v. Ecuador*. Preliminary Objection, Merits, Reparations and Costs. Judgment of September 4, 2024. Series C No. 537, ¶ 368 <https://jurisprudencia.corteidh.or.cr/en/vid/1049684937>.

factors in the maintenance of their culture and in their economic self-sufficiency and development.”⁵⁴³ In Australia, the Queensland Land Court ruled, “There is an [...] intergenerational dimension to the disproportionate impact on Aboriginal and Torres Strait Islander children because changes to their environment and displacement due to climate change will impair their ability to learn, enjoy and maintain their culture.”⁵⁴⁴

175. Petitioners have experienced violations of their right to the benefits of culture. Jaime lived on the Navajo Reservation until drought caused her to move off the reservation to the city.⁵⁴⁵ Drought has also infringed on Jaime’s right to participate in sacred Navajo ceremonies.⁵⁴⁶ Dry conditions on part of the Hawaiian island of Kaua‘i have also impacted Journey. These conditions negatively impact the soil and the agricultural productivity of farms and taro fields, a staple food that is very important to Hawaiian culture.⁵⁴⁷ The lands Xiuhtezcatl holds sacred have been harmed by wildfires, drought, pine beetle kill, and loss of wildlife habitat.⁵⁴⁸ Every time Vic returns to visit his ancestral Garifuna community in Honduras, its lands are further deteriorated by sea level rise, adding to the loss of Garifuna culture.⁵⁴⁹ These are merely examples of the many cultural rights violations experienced by Indigenous youth throughout the United States from its fossil fuel energy system and the climate pollution it creates.

176. Recognizing this intrinsic connection between the territory and culture, the IACtHR ruled that “States have an obligation to refrain from adopting and implementing climate mitigation

⁵⁴³ I/A Court H.R., *Case of Tagaeri and Taromenane Indigenous Peoples v. Ecuador*. Preliminary Objection, Merits, Reparations and Costs. Judgment of September 4, 2024. Series C No. 537, ¶ 251 <https://jurisprudencia.corteidh.or.cr/en/vid/1049684937>; see also *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 108 (“the Indigenous Peoples, whose subsistence depends on natural resources, face even greater risks from extreme climate events that affect their food systems.”).

⁵⁴⁴ *Waratah Coal Pty Ltd v. Youth Verdict Ltd & Ors (No 6)* QLC 21 (Australia) ¶ 1648 (Nov. 25, 2022).

⁵⁴⁵ Jaime 2016 Decl. ¶ 3; Appendix B.

⁵⁴⁶ Jaime 2016 Decl. ¶ 3; Appendix B.

⁵⁴⁷ Journey 2016 Decl. ¶ 7; Appendix B.

⁵⁴⁸ Xiuhtezcatl 2016 Decl. ¶ 10; Appendix B.

⁵⁴⁹ Vic 2018 Decl. ¶¶ 7–9 (under seal).

[...] measures that may affect cultural and natural heritage [...] and] must take all necessary measures to protect, conserve, and rehabilitate heritage affected in the context of the climate emergency.”⁵⁵⁰

177. In sum, the U.S.’s deliberate actions expanding fossil fuel production and consumption for over half a century and contributing recklessly to climate change⁵⁵¹ have degraded Indigenous lands, water, and air and violated the individual Petitioners’ right to the benefits of culture.

6. Right to Dignity

178. The U.S. government’s policies contributing to an unhealthy climate system violate Petitioners’ right to dignity, including their capacity to provide for their basic human needs, safely raise families, practice their religious and spiritual beliefs, maintain their bodily integrity, and lead lives with access to clean air, water, shelter, and food.

179. The American Declaration’s preamble underscores dignity’s central role in the protection of all human rights: “All men are born free and equal, in dignity and in rights, and, being endowed by nature with reason and conscience, they should conduct themselves as brothers one to another.”⁵⁵² Article XXIII also refers to the right to dignity as part of the right to property: “Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.”⁵⁵³ Dignity is also inextricably linked with equality. The IACtHR has emphasized that the concept of equality referred to in Article II of the American Declaration “springs directly from the oneness of the human species and is

⁵⁵⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 552.

⁵⁵¹ Section II of this Petition, *supra*.

⁵⁵² American Declaration, preamble.

⁵⁵³ American Declaration, art. XXIII.

indissociable of the essential dignity of the individual.”⁵⁵⁴ According to the IACtHR, “dignity” stands for the “principle of the autonomy of the person as in the idea that those individuals should be treated as equals” and live “according to their intentions, will and own life decisions.”⁵⁵⁵

180. The UN Charter,⁵⁵⁶ the American Convention on Human Rights,⁵⁵⁷ the Universal Declaration of Human Rights,⁵⁵⁸ the International Covenant on Civil and Political Rights,⁵⁵⁹ the International Covenant on Economic, Social, and Cultural Rights,⁵⁶⁰ the Convention on the Rights of the Child,⁵⁶¹ the United Nations Declaration on the Rights of Indigenous Peoples,⁵⁶² the African Charter on Human and Peoples’ Rights,⁵⁶³ and the constitutions of more than 160 countries⁵⁶⁴ all acknowledge the right to dignity.

⁵⁵⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 589; *see also* Gender Identity, and Equality and Non-Discrimination of Same-Sex Couples (Arts. 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Art. 1, Convention), Advisory Opinion OC-24/17, Inter-Am. Ct. H.R. (ser. A) No. 24, ¶ 61 (Nov. 24, 2017) (“[T]he notion of equality emanates directly from the oneness of the nature of humankind and is indissociable of the essential dignity of the individual.”).

⁵⁵⁵ *I. V. v. Bolivia*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 329, ¶ 149 (Nov. 30, 2016).

⁵⁵⁶ Charter of the United Nations, Jun. 26, 1945, at preamble, <http://www.un.org/en/documents/charter/index.shtml> (Charter’s purpose is “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small”).

⁵⁵⁷ American Convention, Art. 11(1).

⁵⁵⁸ Universal Declaration of Human Rights, at art. 1 (adopting the recognition of human dignity in the United Nations Charter and affirming that “[a]ll human beings are born free and equal in dignity and rights.”).

⁵⁵⁹ ICCPR, Art. 6.

⁵⁶⁰ International Covenant on Economic, Social and Cultural Rights, Preamble, adopted Dec. 1966, entered into force Jan. 1976, U.N.T.C.], preamble (“Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...”).

⁵⁶¹ United Nations Convention on the Rights of the Child, G.A. Res. 44/25, Annex, U.N. Doc. A/Res/44/49 (Nov. 20, 1989), Art. 37(c).

⁵⁶² United Nations Declaration on the Rights of Indigenous Peoples, UNGA Res. 61/295, art. 15 (Oct. 2, 2007) (“Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.”).

⁵⁶³ *See* Banjul Charter on Human and Peoples’ Rights, art. 5 (“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status”).

⁵⁶⁴ Doron Shulztiner and Guy E. Carmi, ‘Human Dignity in National Constitutions: Functions, Promises and Dangers’, 62(2) American Journal of Comparative Law 461–90, 465–66 (2014); *See also* Dignity Rights Project, ‘Database of Constitutional Provisions on Dignity Rights’, available at: <https://delawarelaw.widener.edu/prospective-students/jd-program/jd-academics/signature-programs/dignity-rights-project/dignity-rights/>.

181. A healthy climate is essential for human dignity. The international community and courts around the world⁵⁶⁵ have long recognized the inextricable link between a viable environment and the right to dignity.⁵⁶⁶ Principle 1 of the 1972 Stockholm Declaration provides that “Man has the fundamental right to freedom, equality and adequate condition of life, in an environment of a quality that permits a life of dignity.” The 1990 Hague Declaration expressly acknowledges “the right to live in dignity in a viable global environment.”⁵⁶⁷ In its Advisory Opinion on climate change, the ICJ cited the Human Rights Committee’s finding that “Implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, *inter alia*, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change.”⁵⁶⁸

182. Consistent with international law, the IACtHR and this Commission have emphasized the link between human dignity and the environment. In *Yarce et al v. Colombia*, the IACtHR found that subjecting the claimants to “unhygienic and unhealthy conditions for nine

⁵⁶⁵ See generally, James R. May & Tiwajopelo O. Dayo, *Dignity and Environmental Justice in Nigeria: The Case of Gbemre v. Shell*, 25 Widener Law Rev. 269, 269-84 (2019); *Ntombentsha Beja v. Premier of the Western Cape*, (3) All SA 401 (WCC) 2011 (S. Afr.) (upholding a finding of the South African Human Rights Commission that the City’s failure to ensure safe sanitation violated the right to human dignity).

⁵⁶⁶ See, e.g., UNGA Res. 2398 (XXIII) (Dec. 3, 1968) (emphasizing “the continuing and accelerating impairment of the quality of the human environment” and “consequent effects on ... dignity.”) (cited in ICJ Advisory Opinion on Climate, ¶ 51); Stockholm Declaration, Principle 1 (1972) (recognizing the “fundamental right to freedom, equality, and adequate conditions of life, in an environment of quality that permits a life of dignity and well-being.”); Hague Declaration on the Environment, the Hague, 28 International Legal Materials 1308 (Mar. 11, 1989) (acknowledging “the right to live in dignity in a viable global environment.”); UN Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention and Protection of Minorities, *Human rights and the environment: Review of further developments in fields with which the sub-commission has been concerned*, Final Report of Fatma Zohra Ksentini, UN Doc. E/CN.4/4.Sub.2/1994/9 (1994) ¶ 248 (“Environmental damage has direct effects on the enjoyment of a series of human rights, such as the right to ... dignity.”); UN Human Rights Office of the High Commissioner, *Special Rapporteur on the human right to a healthy environment*, “About human rights and the environment”, <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx> (last accessed Sept. 22, 2025) (“Without a healthy environment, we are unable to fulfill our aspirations or even live at a level commensurate with minimum standards of human dignity.”).

⁵⁶⁷ Hague Declaration on the Environment, the Hague, 28 *International Legal Materials* 1308 (Mar. 11, 1989) (acknowledges “the right to live in dignity in a viable global environment.”).

⁵⁶⁸ *General comment No. 36 on Article 6: right to life*, 30 October 2018, UN doc. CCPR/C/GC/36, ¶ 62, cited by ICJ Advisory Opinion on Climate, ¶ 377.

days” amounted to a violation of dignity under Article 11(1) of the Convention.⁵⁶⁹ This Commission has also concluded that environmental degradation can violate the right to dignity:

“Respect for the inherent dignity of the person is the principle which underlies the fundamental protections of the right to life and to preservation of physical well-being. Conditions of severe environmental pollution, which may cause serious physical illness, impairment and suffering on the part of the local populace, are inconsistent with the right to be respected as a human being.”⁵⁷⁰

183. In its Advisory Opinion on the Climate Emergency, the IACtHR found that the peremptory obligation to preserve the equilibrium of the ecosystem in the face of anthropogenic conducts that give rise to irreversible harm “has achieved a degree of consolidation and universal recognition [...] **owing to its essential connection to the protection of human life, dignity and inter-generational justice.**”⁵⁷¹

184. The U.S. government’s contribution to climate instability has violated Petitioners’ dignity, preventing them from living with “autonomy” and “according to their intentions, will and own life decisions.”⁵⁷² For example, Leo’s home lacks air conditioning.⁵⁷³ Consequently, when increasingly frequent wildfire smoke during the summer forces the family to keep windows closed even during heat waves, “it [is] miserably hot inside.”⁵⁷⁴ The apartment Miko lived in during COVID also lacked air conditioning.⁵⁷⁵ When temperatures reached “upwards of 115 degrees Fahrenheit” during a climate change-induced “heat dome,” Miko found it “hard to get work done” and the heat interfered with her sleep, especially during wildfire season when she had to sleep with

⁵⁶⁹ *Yarce v. Colombia*, ¶¶ 160, 163.

⁵⁷⁰ *Report on the Situation of Human Rights in Ecuador*, Inter-Am. Comm’n H.R., OEA/Ser.L/V/II.96, doc. 10 rev. 1, ch. VIII [hereinafter *Ecuador Report*] (24 Apr. 1997). <https://cidh.oas.org/countryrep/ecuador-eng/chaper-8.htm> (analyzing the right to dignity under the Convention).

⁵⁷¹ *The Climate Emergency*, Inter-Am Ct. H.R. ¶ 293.

⁵⁷² *I.V. v. Bolivia*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 329, ¶ 149 (Nov. 30, 2016).

⁵⁷³ Leo 2018 Decl. ¶ 12 (under seal).

⁵⁷⁴ Leo 2018 Decl. ¶ 12 (under seal).

⁵⁷⁵ Miko 2024 Decl. ¶ 3; Appendix B.

the windows closed.⁵⁷⁶ Wildfire smoke has also forced Aji to stay inside during the summer, even though “I don’t want to be kept hostage in my house trying not to breathe the polluted air.”⁵⁷⁷ Hurricane Sandy shut down Vic’s school and city in New York.⁵⁷⁸ Tia is watching the Collier Glacier in the Cascade Range disappear within her short lifetime, and Tia found it increasingly difficult to find fresh water or snowmelt to drink when backpacking through the Sierra Nevada Mountains.⁵⁷⁹ Oregon’s increasingly dry summers have constrained Miriam’s recreation by preventing her from having campfires as she normally does, and forcing her to cancel or cut short regular visits to a friend’s farm due to increasingly frequent wildfire smoke and ashes.⁵⁸⁰ After Jayden’s home flooded, “[w]e had to pull out all our carpet because it was soaked with sewage water. [...] My family is all sleeping in our living room because we cannot sleep in our bedrooms. There is still foul water in the walls there.”⁵⁸¹ The impacts of climate change are constantly an affront to Petitioners’ dignity in myriad ways.⁵⁸²

185. The U.S. also failed to treat them with equality, compared to older and past generations. The U.S. government’s conduct subjects them to irreversible climate impacts that older generations have not had to—and will not—endure. As a result, Petitioners will bear the disproportionate burden of an unhealthy climate. Thus, the United States’s contributions to the climate emergency violate Petitioners’ right to human dignity.

7. Right to a Healthy Climate

186. U.S. energy policies violate Petitioners’ fundamental right to a healthy climate, upon which all other human rights depend. This Commission, the IACtHR, the ICJ, and numerous

⁵⁷⁶ Miko 2024 Decl. ¶ 3; Appendix B.

⁵⁷⁷ Decl. of Aji P. ¶ 9, Ct. App. VI Doc. 21-8 [hereinafter Aji 2019 Decl]; Appendix B.

⁵⁷⁸ Vic 2016 Decl. ¶ 4; Appendix B.

⁵⁷⁹ Tia 2018 Decl. ¶¶ 11-12 (under seal).

⁵⁸⁰ Miriam 2018 Decl. ¶¶ 6-8 (under seal).

⁵⁸¹ Jayden 2016 Decl. ¶¶ 12, 15; Appendix B.

⁵⁸² See, Appendix B.

U.N. bodies all agree: “**the protection of the climate system free of dangerous anthropogenic interference**” is a “**precondition for the exercise of other human rights**.”⁵⁸³ As the IACtHR emphasized, this truth “becomes particularly evident in the context of the climate emergency, as the historical disruption of the global climate system generates, and will increasingly continue to generate, an ever-greater threat to the full and effective enjoyment of various human rights.”⁵⁸⁴

187. It explained,

“[T]here is a clear and demonstrable dependence between the protection of the rights to life, integrity, health and non-discrimination, among others, and the prohibition of anthropogenic conducts with an irreversible impact on the vital equilibrium of the planetary ecosystem. It is evident that preservation of the vital equilibrium of the ecosystem that enables the life of all species – including ours – on the planet, constitutes **a condition *sine qua non* for the enforceability of all the human rights recognized by international law**, and immediately of the rights to life, integrity, health, and non-discrimination.”⁵⁸⁵

188. To safeguard rights guaranteed in the American Declaration, the IACtHR expressly established the “**human right to a healthy climate as an independent right** – derived from the right to a healthy environment⁵⁸⁶ [...] on which the specific State obligations in relation to the climate crisis can be clearly delimited and compliance with them required **independently** of other duties related to environmental protection.”⁵⁸⁷ The Court ruled that “**first and foremost,**” States are “**obliged to guarantee the right to a healthy climate through measures aimed at addressing the *causes* of climate change.**”⁵⁸⁸

⁵⁸³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 303; *see also* ¶ 377.

⁵⁸⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 377.

⁵⁸⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 293.

⁵⁸⁶ Petitioners assert that the right to a healthy climate is also an independent right that derives directly from the right to life. As James Madison, the “Father” of the U.S.’s Constitution, remarked in a speech in 1818: for “[a]nimals, including man, [...] the atmosphere is the breath of life. Deprived of it, they all equally perish.” Madison acknowledged the “immensity of the atmosphere,” but stated that if atmospheric carbon dioxide were to increase beyond the capacity of plants to “refresh” the atmosphere, “the decay of health, though a later [consequence], would be a necessary consequence” and “might not be compatible with the continued existence and health of” humans and animals. James Madison, Address to the Agricultural Society of Albemarle (May 12, 1818), available at <https://founders.archives.gov/documents/Madison/04-01-02-0244>.

⁵⁸⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 300.

⁵⁸⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 377 (emphasis added).

189. Recognizing that “[t]he environment is the foundation for human life, upon which the health and well-being of both present and future generations depend,”⁵⁸⁹ and “taking into account the adverse effects of climate change on the enjoyment of human rights,”⁵⁹⁰ the ICJ concluded that “the full enjoyment of human rights cannot be ensured without the protection of the climate system”⁵⁹¹—which necessarily includes protection against harms caused by the emission of greenhouse gases.⁵⁹² The ICJ therefore ruled that States are required to take measures—including mitigation measures—to safeguard the climate system.⁵⁹³

190. Nearly a decade before the IACtHR and the ICJ recognized the protection of the climate system is a precondition to safeguard of human rights,⁵⁹⁴ the U.S. District Court in *Juliana v. U.S.* became the first court in the world to recognize that the necessity of “enable[ing] the exercise of other rights”—especially fundamental liberty rights—gives rise to an **independent** right to “a climate system capable of sustaining human life.”⁵⁹⁵ The Court stated,

“Exercising my reasoned judgment, I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and free and ordered society [...] [A] stable climate system is quite literally the foundation of society, without which there would be neither civilization nor progress.”⁵⁹⁶

In a concurring opinion in a different case—*In Re: Hawai‘i Electric Light Company, Inc.*—Justice Michael Wilson of the Hawai‘i Supreme Court agreed with a unanimous majority decision that the Hawai‘i Constitution subsumes the right to a life-sustaining climate system, and he wrote

⁵⁸⁹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 373.

⁵⁹⁰ *Obligations in Respect to Climate Change*, I.C.J. ¶ 403; see also ¶¶ 372-86, 457(3)(E).

⁵⁹¹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 403; see also ¶ 457(3)(E).

⁵⁹² See, e.g., *Obligations in Respect to Climate Change*, I.C.J. ¶ 137 (“[T]he specific character of the risk of significant harm to the climate system is indisputably established. The best available science, as presented by the IPCC, confirms that cumulative GHG emissions are the primary source of risks[.]”); accord *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 182 (“according to the best available scientific evidence, climate change is a phenomenon accelerated by greenhouse gas (GHG) emissions resulting from human activities”).

⁵⁹³ *Obligations in Respect to Climate Change*, I.C.J. ¶ 403.

⁵⁹⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 303, 377; *Obligations in Respect to Climate Change*, I.C.J. ¶ 373.

⁵⁹⁵ *Juliana v. United States*, 217 F. Supp. 3d 1224, 1249–50 (D. Or. 2016).

⁵⁹⁶ *Juliana v. United States*, 217 F. Supp. 3d 1224, 1250 (D. Or. 2016) (internal quotation marks and citations omitted); see also *Juliana*, 2023 WL 9023339, at *17.

separately to “emphasize that the right to a life-sustaining climate system is also included in the due process right to life, liberty, and property.”⁵⁹⁷

191. The U.S.’s deliberate policies to expand fossil fuel consumption and production while knowing the grave danger this posed to the global climate and humanity thus violate Petitioners’ fundamental right to a healthy climate, upon which all other human rights depend.

C. The DOJ’s Extraordinary Tactics Aimed at Silencing Petitioners and the U.S. Courts’ Failure to Consider the Merits of Their Claims Violate Petitioners’ Rights to Access to Justice and Effective Remedies

192. Petitioners attempted to vindicate their rights in U.S. courts for nearly ten years, but were met with unprecedented attacks by the U.S. DOJ and the U.S. courts’ refusal to hear the merits of their claims. This section proceeds in two parts. **First**, it sets out how the U.S. violated Petitioners’ right to access justice under Articles XVIII and XXIV of the American Declaration. **Second**, it demonstrates how the U.S. failed to provide effective remedies also established by Articles XVIII and XXIV.

1. Right to Access Justice

193. Article XVIII of the American Declaration establishes that every person has the right to “resort to the courts to ensure respect for his essential rights” and requires States to provide “a simple and brief procedure whereby courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.”⁵⁹⁸ Article XXIV further guarantees every person’s right to “obtain a prompt decision.”⁵⁹⁹

⁵⁹⁷ *Matter of Hawai’i Elec. Light Co., Inc.*, 526 P.3d 329, 337 (Haw. 2023) (Wilson, J., concurring) (internal quotation marks and citation omitted).

⁵⁹⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 540 (citing American Declaration).

⁵⁹⁹ American Declaration; *see also The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 544-45.

194. Recognizing that the interdependence between democracy, the rule of law, and human rights that “permeates” the Inter-American system⁶⁰⁰ “is becoming increasingly relevant in the face of the climate emergency,”⁶⁰¹ the IACtHR stressed that, “[c]ompliance with [procedural] obligations is essential in the context of the climate emergency.”⁶⁰²

195. Guaranteeing access to justice is also particularly important in cases involving violations of children’s rights.⁶⁰³ In its General Comment No. 26 focused on children’s rights and climate change, the UN Committee on the Rights of the Child called on States to ensure “access to justice and pathways for children,” to remove “barriers for children to initiate proceedings themselves,” to provide mechanisms for “claims of imminent or foreseeable harms and past or current violations of children’s rights” relating to environmental harm, and to provide children with the “opportunity to be heard in judicial or administrative proceeding affecting them.”⁶⁰⁴ This is especially important because children lack political power and the ability to vote.⁶⁰⁵

⁶⁰⁰ The IACtHR has consistently affirmed that this right to judicial recourse is not only “one of the basic pillars” of the Inter-American System, but also of the “very rule of law in a democratic society.” *See, e.g., Villagrán Morales v. Guatemala*, Inter-Am. Ct. H.R., Merits, Judgment, (Ser. C) No. 63, ¶ 234 (Nov. 19, 1999) (citing *Cesti Hurtado case*, Judgment, Series C No. 56, ¶ 121 (Sep. 29, 1999)); and *Castillo Petruzzi et al. case*, Judgment, Series C No. 52, 13, ¶ 184 (May 30, 1999).

⁶⁰¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 460-61; *see also* ¶ 458 (“Respect for and guarantee of procedural rights is an essential requirement to ensure the legitimacy and effectiveness of climate action in the face of significant challenges arising from the climate emergency and the complexity of the decision that States must take to address it.”), ¶ 467 (“the Court considers it important to highlight the essential nature of measures aimed at strengthening the democratic rule of law as a framework for the protection of all human rights against threats arising from the climate emergency.”).

⁶⁰² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 541.

⁶⁰³ *See, Villagrán Morales v. Guatemala* (holding that Guatemala violated Article 25 to the detriment of the petitioners); *Yakye Axa Indigenous Community v. Paraguay*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 125 (June 17, 2005) (finding that Paraguay abridged the rights embodied in Article 25); *Case of the Sawhoyamaya Indigenous Community v. Paraguay*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 146 (Mar. 29, 2006) (holding that the state “failed to adopt the appropriate domestic law measures necessary to ensure an effective procedure providing a final solution to the claim” of the indigenous community); and *Case of Claude-Reyes et al. v. Chile*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 151 (Sept. 19, 2006) (concluding that the “State violated the right to judicial protection embodied in Article 25(1) of the American Convention [...] by failing to guarantee [the petitioners] a simple, prompt, and effective recourse.”).

⁶⁰⁴ Committee on the Rights of the Child, General Comment No. 26 (2023) on the Rights of the Child and the Environment, with a Special Focus on Climate Change, CRC/C/GC/26, ¶¶ 83, 84, 86 (Aug. 22, 2023).

⁶⁰⁵ Committee on the Rights of the Child, General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child, CRC/GC/2002/2, ¶ 5 (Nov. 15, 2002) (“[A]dditional justifications exist for ensuring that children’s human rights are given special attention. These include

196. To give full effect to the right to access justice in the context of the climate emergency, the IACtHR ruled that States must (i) apply the *pro actione* principle; (ii) ensure that requirements for standing are flexible in this context; and (iii) ensure proceeding are resolved within a reasonable time.⁶⁰⁶ These obligations must be carried out with “enhanced due diligence”⁶⁰⁷ by all branches of government. Accordingly, both U.S. courts and the U.S. DOJ are required to advance—rather than obstruct—access to climate justice.⁶⁰⁸

197. Under the *pro actione principle*, procedural rules “must not unjustifiably prevent or hinder a court from hearing and ruling on the claims submitted to it” and “the interpretation most favorable to access to justice must always prevail.”⁶⁰⁹

198. This applies in particular to **rules of standing and admissibility**, which must be “flexible,” “take into account [...] the vulnerability of the individuals,” and “facilitate access to justice for individuals and groups affected by climate change and insufficient state action.”⁶¹⁰ The Court emphasized that, “in light of the urgency, gravity, and complexity of the climate emergency, judicial authorities must apply the *pro actione* principle [...] to the admissibility [...] and

the facts that children’s developmental state makes them particularly vulnerable to human rights violations; their opinions are still rarely taken into account; most children have no vote and cannot play a meaningful role in the political process that determines Governments’ response to human rights; children encounter significant problems in using the judicial system to protect their rights or to seek remedies for violations of their rights; and children’s access to organizations that may protect their rights is generally limited.”) (emphasis added).

⁶⁰⁶ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 541, 550.

⁶⁰⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 468.

⁶⁰⁸ See, e.g., *Case of Furlan and Family v. Argentina*, IACtHR, Judgment (Preliminary Objections, Merits, Reparations and Costs) (Aug. 31, 2012), ¶ 189 (finding that “the actions of the State as the defendant party and those of its institutions showed significant levels of passivity, inactivity and lack of due diligence, aspects that are very problematic in a case of this nature and that caused the delay in the resolution of the judicial proceedings” and that Argentina had violated its obligations); *Furlan and Family v. Argentina*, IACHR, Report No. 111/10, Case 12.539, Merits (Oct. 21, 2010), ¶¶ 115-16 (finding that “suits in which one of the parties is the State can have specific characteristics with regard to each party’s access to information and resources” and that the delays caused by State authorities as a party violated the State’s obligations to guarantee procedural rights).

⁶⁰⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 543 (The Court stressed that “judicial bodies must interpret and apply the relevant rules in such a way as to effectively guarantee **access to substantive justice** for those who require it in the context of the climate emergency.”) (emphasis added).

⁶¹⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 550.

requirements regarding standing” so as not to “undermine the guarantee of the right of access to justice in collective and individual claims.”⁶¹¹

199. States also have an “**obligation to ensure that cases are processed and resolved and judgments executed with a reasonable time.**”⁶¹² In the context of the climate emergency, courts must consider “the imminence of the risks that motivate the legal action, the urgency of the measures required in accordance with litigation claims, the impact of inaction on the human rights of the petitioners, and the situation of particular vulnerability in which they may find themselves *vis-à-vis* the impacts of climate change.”⁶¹³ In sum, the IACtHR has ruled that a reasonable time must be determined based on factors such as (i) the complexity of the matter; (ii) the procedural activity of the interested party; (iii) the conduct of the judicial authorities; (iv) the impact on the legal situation of the person involved in the proceedings, and (v) the urgency of the risks and the measures required *vis-à-vis* climate change.⁶¹⁴

200. Both the **U.S. DOJ** and **U.S. courts** denied the Youth Petitioners justice: the U.S. DOJ by engaging in extraordinary tactics seeking to delay and dismiss the proceedings, and the U.S. courts by entertaining DOJ’s activities and denying Petitioners standing, thereby violating Petitioners’ right to have their case heard on the merits.

201. For nearly a decade, the U.S. DOJ waged a sustained campaign of extraordinary procedural maneuvers designed to evade trial, silence the Petitioners, and, ultimately, deny justice.⁶¹⁵ U.S. Deputy Assistant Attorney General Eric Grant publicly declared that, upon taking

⁶¹¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 546.

⁶¹² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 544 (emphasis added).

⁶¹³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 545; *see also* ¶ 544.

⁶¹⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 544-45.

⁶¹⁵ Section II of this Petition, *supra*.

office, his “**number one priority from day one was to kill *Juliana v. United States*.**”⁶¹⁶ The unprecedented legal tactics the DOJ used to derail the case included:

- a) Seventeen motions to stay proceedings and to dismiss;
- b) Multiple requests for interlocutory appeal; and
- c) Seven petitions for writs of mandamus asking appellate courts to order the District Court to dismiss or stay the case.⁶¹⁷

These tactics were executed for purposes of delay and to deny Petitioners standing and the opportunity to present their factual evidence against the U.S. government in open court.

202. The DOJ’s serial pattern of seeking mandamus relief in *Juliana* is perhaps its most egregious misuse of procedural processes. As detailed in Section III.B of this Petition, mandamus relief is an “extraordinary remedy” reserved for only the most “exceptional circumstances.”⁶¹⁸ Yet **the DOJ filed more mandamus petitions in *Juliana v. United States* than in any other case in U.S. history**, often repeating the same arguments to the same courts that those courts had previously rejected when they denied the DOJ’s prior mandamus petitions—namely, the U.S. government’s desire to avoid discovery and trial,⁶¹⁹ and the government’s position that a court order would exceed the court’s authority.⁶²⁰ The DOJ’s use of mandamus petitions in *Juliana* illustrates its deliberate strategy to circumvent ordinary appellate review and obstruct Petitioners’ access to justice.⁶²¹

⁶¹⁶ Section III.A, *supra*; *Federalist Society Interview with Eric Grant*, at 5:26–5:33 (emphasis added).

⁶¹⁷ Section II in this Petition, *supra*. (with respect to mandamus relief, the courts denied the first six requests, only granting the seventh and ultimately closing the case in federal courts).

⁶¹⁸ *Cheney v. U.S. Dist. Ct. for the Dist. of Columbia*, 542 U.S. 367, 380–81 (2004).

⁶¹⁹ *In re United States*, 884 F.3d 830, 836 (9th Cir. March 7, 2018); *In re United States*, 895 F.3d 1101, 1106 (9th Cir. July 20, 2018); S. Ct. I, Appl. for Stay, at 5-6 (July 17, 2018) (styled in the alternative as a petition for writ of mandamus); Ct. App. IV, Pet. for Writ of Mandamus and Emergency Motion under Circuit R. 27-3, Doc. 1-2, at 12 (Nov. 5, 2018).

⁶²⁰ Ct. App. III, Doc. 1 at 14-14 (Oct. 12, 2018); *In re United States et al.*, 586 U.S. 983, 983 (Nov. 2, 2018) (S. Ct. III); Ct. App. IV, Pet. for Writ of Mandamus and Emergency Motion under Circuit R. 27-3, Doc. 1-2, at 14-18 (Nov. 5, 2018); Ct. App. VII, Pet. for Writ of Mandamus and Opposed Mot. for Stay of Proceedings, Doc. 1-1 at 30 (Feb. 2, 2024).

⁶²¹ Ct. App. VII Doc. 14.2, Decl. of Julia A. Olson, ¶ 4 (Mar. 21, 2024).

203. Through the deployment these unprecedented legal tactics over the course of a decade, the U.S. DOJ succeeded having the case dismissed for lack of standing.

204. The federal judiciary compounded this denial of justice. In her 2018 dissent to the Ninth Circuit’s grant of the U.S. government’s petition for interlocutory appeal, Ninth Circuit Judge Michelle Friedland lamented the majority’s decision to permit appeal while the case was still pending before the trial court because it **“effectively rewards the Government for its repeated efforts to bypass normal litigation procedures [...]. If anything has wasted judicial resources in this case, it was those efforts.”**⁶²²

205. In 2024, the Court of Appeals for the Ninth Circuit dismissed Petitioners’ case for lack of standing in an unpublished three-page order, holding that the U.S. Constitution prohibits Petitioners’ claims from being redressed.⁶²³ The Ninth Circuit’s reasoning conflicted with the Constitution’s plain language,⁶²⁴ nearly a century of U.S. Supreme Court precedent,⁶²⁵ the case law of other federal appellate courts in other circuits,⁶²⁶ and undermines Acts of Congress.⁶²⁷ Yet

⁶²² *Juliana v. United States*, 949 F.3d 1125, 1127, n.1 (9th Cir. 2018) (Friedland, J., dissenting).

⁶²³ Ct. App. VII Doc. 24.1, at 3.

⁶²⁴ U.S. Const. art. III, § 2, cl. 1 (“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, [and] the Laws of the United States” and “to Controversies to which the United States shall be a Party[.]”). The historical record further demonstrates that Article III confers a broad, not narrow, judicial power. As the delegates to the Constitutional Convention refined the text of Article III, each successive proposal to further expand the federal courts’ jurisdiction was adopted. 2 The Records of the Federal Convention of 1787, at 422–25, 428–32 (Max Farrand ed., 1911). When George Washington, as president of the Constitutional Convention, wrote to Congress recommending that it adopt the Constitution, he argued that Article III’s allocation that the “judicial authorities should be fully and effectually vested” in the federal government was a “necessity,” even though this entailed “delegating [] extensive trust.” *Id.* at 666.

⁶²⁵ *See, e.g., Nashville, C. & St. L. Ry. v. Wallace*, 288 U.S. 249, 264 (1933) (holding that declaratory relief on its own, even without an injunction, is sufficient to satisfy the redressability element of Article III standing).

⁶²⁶ *See, e.g., Antilles Cement Corp. v. Fortuno*, 670 F.3d 310, 318 (1st Cir. 2012); *Khodara Env’t, Inc. v. Blakey*, 376 F.3d 187, 193–95 (3d Cir. 2004); *Parsons v. U.S. Dep’t of Just.*, 801 F.3d 701, 716 (6th Cir. 2015); *Alexis Bailly Vineyard, Inc. v. Harrington*, 931 F.3d 774, 780 (8th Cir. 2019).

⁶²⁷ *See, e.g., the Declaratory Judgment Act*, 28 U.S.C. § 2201(a) (providing in pertinent part: “In a case of actual controversy within its jurisdiction, [...] any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought.”).

the U.S. Supreme Court, in its discretion, declined to review the Ninth Circuit’s judgment, closing the case in front of the U.S. judiciary.⁶²⁸

206. The violation of Petitioners’ right of access to justice has psychological impacts of its own on Petitioners. To illustrate, shortly after Petitioners’ October 2018 trial date was canceled, Aji attested: “[I]nside of me is a horrible feeling. There was no trial, so there is no remedy in sight for our climate emergency. [...] I try not to call it despair yet, [...] but [...] I am in the lead up to despair where every moment I am watching the clock run out. Time is actually slipping away from us.”⁶²⁹

207. With respect to the IACtHR’s ruling that States must ensure proceedings are resolved within a “reasonable time,”⁶³⁰ three of the five factors considered in determining “reasonable time” are the most relevant and applicable to this Petition: “the conduct of the judicial authorities,” “the impact on the legal situation of the person involved in the proceedings,” and the “imminence of the risks that motivate the legal action” vis-à-vis climate change.⁶³¹ In *Juliana*, U.S. authorities did everything in their power to delay and thwart the proceedings, even though the impact of delay on Petitioners was severe, as they continued to experience extreme and worsening consequences of climate change.

208. Despite the government’s sustained efforts and Petitioners’ mounting climate injuries, the *Juliana* Plaintiffs persisted. Petitioners pressed forward pursuing every available option to secure justice—amending their complaint, seeking *en banc* review of adverse rulings,

⁶²⁸ *Juliana v. United States*, 145 S. Ct. 1428 (2025).

⁶²⁹ Decl. of Aji P. ¶ 5, Ct. App. IV Doc. 13-3; Appendix B.

⁶³⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 541, 544-45.

⁶³¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 556-59.

securing broad *amicus curiae* support,⁶³² filing a motion for a preliminary injunction, and petitioning the U.S. Supreme Court to exhaust domestic remedies.

209. The U.S. DOJ’s deliberate construction of a procedural firewall to delay and derail proceedings and to prevent judicial review of the merits of Petitioners’ claims—coupled with the federal courts’ dismissal of Petitioners’ case in blatant disregard of binding precedent—amounts to a systemic denial of justice, leaving Petitioners without any domestic forum in which to vindicate their rights, in violation their right to access justice.

2. Right to Effective Remedies

210. Articles XVIII and XXIV of the Declaration establish that every person has the right to effective and prompt redress.⁶³³

211. The IACtHR has consistently held—from its seminal decision in *Velásquez Rodríguez*⁶³⁴ to its 2025 Advisory Opinion on the climate emergency—that States have an obligation to provide victims of human rights violations with prompt, effective judicial remedies and full reparations. This obligation applies to climate harms.

212. The IACtHR ruled that “[i]n the context of the climate emergency, States are obliged to establish effective administrative and judicial mechanisms that allow victims access to **comprehensive** redress.”⁶³⁵ The three most relevant remedies in relation to this Petition are (i)

⁶³² Over 40 *amicus curie* briefs were submitted in support of the *Juliana* Plaintiffs by Member of Congress, youth organizations, law professors, academics, scientists, medical associations and professionals, international legal experts, youth organizations, law clinics, academic centers, faith-based organizations, and allied non-governmental organizations.

⁶³³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 544-46.

⁶³⁴ *Velásquez Rodríguez v. Honduras*, Merits, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 174 (July 29, 1988); *Loayza Tamayo v. Peru*, Reparations, Inter-Am. Ct. H.R. (ser. C) No. 42, ¶ 85 (Nov. 27, 1998) (“Reparation of harm caused by the violation of an international obligations consists in full restitution (*restitutio in integrum*), which includes measures of restitutio, compensation, rehabilitation, satisfaction and guarantees of non-repetition.”); *Constitutional Court v. Peru*, Judgment (ser. C) No. 71, ¶¶ 90-91 (Jan. 31, 2001) (“The remedies must not only exist formally but must be truly effective, that is, capable of producing the result for which they were designed and not illusory. The State has the duty to adopt all necessary measures so that what is decided by the competent authority is effectively implemented.”).

⁶³⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 557 (emphasis added); see also ¶ 541.

judgment on the merits; (ii) full restitution (*restitutio in integrum*); and (iii) guarantees of non-repetition.

213. First, since its earliest contentious cases, the IACtHR has recognized that a merits judgment “is in itself a type of reparation and moral satisfaction of significance and importance for the families of the victims.”⁶³⁶ This principle aligns with U.S. Supreme Court precedent recognizing that **declaratory relief can resolve persisting constitutional controversies**.⁶³⁷

214. Second, the IACtHR emphasized that reparation “should provide full restitution (*restitutio in integrum*), which consists in the restoration of the previous situation”⁶³⁸ and requires States to implement measures “aimed at restoring the climate system and the ecosystems by increasing mitigation commitments, as well as funding and implementing conservation or restoration plans and actions[.]”⁶³⁹

215. Third, comprehensive redress⁶⁴⁰ requires States to provide “guarantees of non-repetition” aimed at “reducing vulnerability, monitoring compliance with existing obligations, and enhancing [...] resilience[.]”⁶⁴¹ The Court underscored that measures “aimed at ending the violation, avoiding its repetition, and redressing the consequences should simultaneously benefit present and future humanity[.]”⁶⁴²

⁶³⁶ *Velásquez Rodríguez v. Honduras*, Reparations and Costs, 1989 Inter-Am. Ct. H.R. (ser. C) No. 7, ¶ 174 (July 21, 1989) (“[T]he Court understands that the judgment on the merits of July 29, 1988, is in itself a type of reparation and moral satisfaction of significance and importance for the families of the victims.”); *Constitutional Court v. Peru*, Judgment (ser. C) No. 71, ¶¶ 90–91 (Jan. 31, 2001) (The remedies must not only exist formally but must be truly effective, that is, capable of producing the result for which they were designed and not illusory.”).

⁶³⁷ See, e.g., *Gutierrez v. Saenz*, 145 S. Ct. 2258, 2266–68 (2025); *Evers v. Dwyer*, 358 U.S. 202, 202–04 (1958); *Utah v. Evans* 536 U.S. 452, 463–64 (2002); *Diamond Alternative Energy, LLC v. Env’t Prot. Agency*, 145 S. Ct. 2121, 2135 (2025).

⁶³⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 556.

⁶³⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 558.

⁶⁴⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 557.

⁶⁴¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 558.

⁶⁴² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 302.

216. The Court also ruled that all of the measures States undertake to ensure comprehensive redress must be “based on best available science” and “designed and implemented fully guaranteeing the procedural and substantive rights of the individuals and communities concerned.”⁶⁴³

217. In *Juliana v. U.S.*, Petitioners sought precisely these forms of relief: judgment on the merits, *restitutio in integrum*, and guarantees of non-repetition. Petitioners asked U.S. courts to:

- a) “Declare that Defendants [the U.S. federal government] violated and are violating [Petitioners’] fundamental constitutional rights to life, liberty, and property by substantially causing or contributing to a dangerous concentration of CO₂ in the atmosphere, and that, in so doing, Defendants dangerously interfere with a stable climate system required by our nation and [the youth] alike;”⁶⁴⁴
- b) “Order Defendants to prepare and implement an enforceable national remedial plan to phase out fossil fuel emissions and draw down excess atmospheric CO₂ so as to stabilize the climate system and protect the vital resources on which [Petitioners] now and in the future will depend;”⁶⁴⁵
- c) “Enjoin [the government] from further violations of [Petitioners’ rights]” by ceasing to contribute to a dangerous concentration of CO₂ in the atmosphere.⁶⁴⁶

218. Despite the legal truth that each of the remedies requested by the *Juliana* Plaintiffs are firmly grounded in both international⁶⁴⁷ and domestic law,⁶⁴⁸ two of three appellate judges on the 2020 Ninth Circuit panel voted—without the benefit of a trial record—to dismiss the case,

⁶⁴³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 559.

⁶⁴⁴ D. Ct. Doc. 7, 1st Am. Compl., p. 94 ¶ 1 (Sep. 10, 2015), https://climatecasechart.com/wp-content/uploads/case-documents/2015/20150910_docket-615-cv-1517_complaint-2.pdf.

⁶⁴⁵ D. Ct. Doc. 7, 1st Am. Compl., p. 94 ¶ 7 (Sep. 10, 2015).

⁶⁴⁶ D. Ct. Doc. 7, 1st Am. Compl., p. 94 ¶ 2 (Sep. 10, 2015).

⁶⁴⁷ See e.g., *Future Generations v. Ministry of the Environment and Others*, No. 11001- 22-03-000-2018-00319-01 (Colom. Sup. Ct. Apr. 5, 2018); *Youth Verdict v. Waratah Coal*, MRA050-20, EP051-20 (QLCR Nov. 25, 2022); *Urgenda Foundation v. Netherlands*, No. 19/00135 (Neth. Sup. Ct. Dec. 20, 2019); *Neubauer v. Germany*, No. BvR 2656/18/1, BvR 78/20/1, BvR 96/20/1, BvR 288/20 (Ger. Fed. Const. Ct. Mar. 24, 2021).

⁶⁴⁸ See e.g., U.S. Const. art. III, § 2, cl. 1; Declaratory Judgment Act, 28 U.S.C. § 2201(a); *Brown v. Plata*, 563 U.S. 493 (2011); *Evers v. Dwyer*, 358 U.S. 202, 202-204 (1958); *Brown v. Bd. of Ed. of Topeka*, 347 U.S. 483, 495 (1954); *Nashville, C. & St. L. Ry. v. Wallace*, 288 U.S. 249, 264 (1933); *Old Colony Tr. Co. v. Comm’r of Internal Revenue*, 279 U.S. 716, 724 (1929); *Osborn v. Bank of U.S.*, 22 U.S. 738, 819 (1824).

holding that **Plaintiffs lacked standing due to the Court’s purported inability to redress their claims.**⁶⁴⁹

219. In dissent, Judge Staton wrote,

“My colleagues throw up their hands, concluding that this case presents nothing fit for the Judiciary. On a fundamental point, we agree: No case can singlehandedly prevent the catastrophic effects of climate change predicted by the government and scientists. But a federal court need not manage all of the delicate foreign relations and regulatory minutiae implicated by climate change to offer real relief, and the mere fact that this suit cannot alone halt climate change does not mean that it presents no claim suitable for judicial resolution.”⁶⁵⁰

220. Four years later, even after Plaintiffs amended their complaint to address the Ninth Circuit Court’s 2020 ruling, a new Ninth Circuit panel, in another extraordinary mandamus ruling, without any analysis, issued a writ of mandamus order instructing the District Court to dismiss the case.⁶⁵¹

221. Seeking to correct this clear legal error, the *Juliana* Plaintiffs requested rehearing or reconsider of the decision *en banc*. Without explanation, the Ninth Circuit summarily denied the request.⁶⁵²

222. Then, on March 24, 2025, the U.S. Supreme Court likewise exercised its discretion not to review the decision of the Ninth Circuit for correctness by issuing its one-line order: **“Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.”**⁶⁵³ Notably, the U.S. Supreme Court ruled two months later in a question presented to it on “redressability” that producers of gasoline and other liquid fuels for vehicles had standing to challenge the U.S. Environmental Protection Agency’s approval of a regulation intended to limit

⁶⁴⁹ *Juliana v. United States*, 947 F.3d 1159, 1170-73 (9th Cir. 2020); Appendix C1.

⁶⁵⁰ *Juliana*, 947 F.3d at 1175 (Staton, J., dissenting).

⁶⁵¹ *In re United States*, No. 24-684, 2024 WL 5102489, at *1-2 (9th Cir. May 1, 2024).

⁶⁵² Ct. App. VII. Doc. 46.1.

⁶⁵³ *Juliana v. United States*, 145 S. Ct. 1428 (2025); Appendix C5.

greenhouse gas emissions by requiring automobile manufacturers to produce more electric vehicles.⁶⁵⁴ There, the U.S. Supreme Court said that “[e]ven ‘one dollar’ of additional revenue for the fuel producers would satisfy the redressability component of Article III standing.”⁶⁵⁵ So, as it stands today, fossil fuel companies can freely access federal courts if they can show a government limitation on GHG emissions takes away one dollar of their profits, while the *Juliana* plaintiffs have had the courthouse doors closed when their government’s systemic policies and practices over decades put their lives in harm’s way. In this manner, the United States’s judicial system closed the *Juliana* case—without any remedy—after nearly a decade of litigation, and shortly thereafter, opened the courthouse doors wide to fossil fuel producers.

223. Collectively, the orders denying the *Juliana* plaintiffs’ standing conflict with over a hundred years of U.S. precedent,⁶⁵⁶ represent a grave miscarriage of justice, undermine the rule of law, and erode the very foundations of democracy. These denials also constitute a breach the U.S. judiciary’s obligations to apply the *pro actione* principle and ensure that standing rules do not close the courtroom doors to those who have endured violations of their rights.⁶⁵⁷

224. Although ultimately unsuccessful in the U.S.’s federal courts, Petitioners’ efforts ignited rights-based climate cases, advanced climate jurisprudence in courts around the world, and inspired generations of youth worldwide.

⁶⁵⁴ *Diamond Alternative Energy, LLC v. Env’t Prot. Agency*, 145 S. Ct. 2121 (2025).

⁶⁵⁵ *Diamond Alternative Energy, LLC*, 145 S. Ct. at 2135.

⁶⁵⁶ Declaratory relief: *see, e.g., Nashville, C. & St. L. Ry. v. Wallace*, 288 U.S. 249, 264 (1933); *Brown v. Bd. of Ed. of Topeka*, 347 U.S. 483, 495 (1954); *Evers v. Dwyer*, 358 U.S. 202, 202-04 (1958); *Utah v. Evans* 536 U.S. 452, 463-64 (2002). Injunctive relief: *see, e.g., Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294, 300 (1955); *Brown v. Plata*, 563 U.S. 493 (2011).

⁶⁵⁷ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 543 (According to the *pro actione* principle, “the interpretation most favorable to access to justice must always prevail.”); ¶ 546 (In the context of “the climate emergency, judicial authorities must apply the *pro actione* principle with respect to [...] requirements regarding standing that could undermine the guarantee of the right of access to justice in collective and individual claims.”).

225. This Commission is uniquely positioned to provide Petitioners with the justice and remedies that all branches of the U.S. government have heretofore denied to them.

VI. REQUEST FOR PRECAUTIONARY MEASURES

226. Article 25(1) of the Rules of Procedure permits the Commission to issue precautionary measures where “serious and urgent situations present a risk of irreparable harm.”⁶⁵⁸ OAS Member States, including the United States, have the international obligation to adhere to requests for such measures.⁶⁵⁹ This section proceeds in two parts. **First**, it addresses why U.S. fossil fuel emissions present a “serious and urgent situation” that is already causing irreparable harm to Petitioners and children and youth worldwide. **Second**, it sets forth why precautionary measures are consistent with measures granted by this Commission in other cases and with the international obligations of the U.S., as clarified by the IACtHR and the ICJ in their Advisory Opinions clarifying States’ existing obligations to address the climate emergency.

A. U.S. Fossil Fuel Emissions Are Causing Irreparable Harm and Require Urgent Action

227. Precautionary measures are warranted. The situation of danger created by U.S. fossil fuel emissions is serious, urgent, and already causing irreparable harm.

228. As the IPCC has confirmed, *every tonne* of CO₂ emitted intensifies hazards and increases the occurrence of extreme and unprecedented climate events.⁶⁶⁰ In its Answer to the

⁶⁵⁸ Inter-Am. Comm’n H.R. Rules of Procedure, art. 25.1.

⁶⁵⁹ See *Fifth Report on the Situation of Human Rights in Guatemala*, Inter-Am. Comm’n H.R., OEA/SER.L/V/II.111, doc. 21 rev., ¶¶ 71–72 (2001); *Juan Raul Garza v. United States*, Case 12.243, Inter-Am. Comm’n H.R., Report No. 52/01, OEA/SER.L/V/II.111, doc. 20 rev. (2000); Annual Rep. Inter-Am. Comm’n H.R. ¶ 117 (2000).

⁶⁶⁰ IPCC, *Summary for Policymakers*, in *Climate Change 2021: The Physical Science Basis* at 15:B.2.2 (2021) (“With every additional increment of global warming, changes in extremes continue to become larger [...]. There will be an increasing occurrence of some extreme events unprecedented in the observational record with additional global warming”) https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf; IPCC, *Summary for Policymakers*, in *Climate Change 2023: Synthesis Report* 1, 1–34 (2023) (B.1, B.1.3, Figure SPM.2, B.2, B.2.2, Figure

Plaintiffs’ Second Amended Complaint, the U.S. admitted the gravity, urgency, and danger of the current situation:

- a) “[T]here is **scientific consensus** that the buildup of GHGs [...] **is changing** the global climate at a pace and in a way that **threatens human health and the natural environment**.”⁶⁶¹
- b) “[T]he consequences of climate change **are already occurring** and, in general, those consequences will become **more severe with more fossil fuel emissions**.”⁶⁶²
- c) “[C]urrent and projected atmospheric concentrations of six well-mixed GHGs, including CO₂, **threaten the public health and welfare of current and future generations**, and **this threat will mount** over time as GHGs continue to accumulate in the atmosphere and result in ever greater rates of climate change.”⁶⁶³
- d) Greenhouse-gas pollution “endangers the public health and welfare of current and future generations.”⁶⁶⁴
- e) U.S. government officials “have repeatedly stated that allowing ‘business as usual’ CO₂ emissions will imperil future generations with **dangerous** and unacceptable economic, social, and environmental risks [...]. [T]he use of fossil fuels is a major source of these emissions, placing our nation on an increasingly costly, **insecure, and environmentally dangerous path**.”⁶⁶⁵

229. U.S. courts have also highlighted the urgency, gravity, and danger of continuing “business as usual” fossil fuel emissions. In the U.S. Ninth’s Circuit’s 2020 opinion in *Juliana v. United States*, the three-judge panel found that “failure to change existing policy may hasten an **environmental apocalypse**.”⁶⁶⁶ In a 2018 *Juliana* opinion, the U.S. District Court cited the U.S. government’s admissions that climate change “poses a ‘**monumental**’ danger, and that the government’s challenged conduct plays a substantial and traceable role in the youth’s **ongoing**,

SPM.4, C.1.1, and Figure SPM.6 noting that “[e]very increment of global warming will intensify multiple and concurrent hazards (*high confidence*)”, https://bit.ly/IPCC_ar6; *Held v. Montana*, No. CDV-2020-307, 2023 WL 5229257, at *39 (Mont. 1st Jud. Dist. Ct. Aug. 14, 2023); and *Obligations in Respect to Climate Change*, I.C.J. ¶ 83.

⁶⁶¹ Federal Defendants’ Answer to 2d Am. Compl. ¶ 202 (emphasis added).

⁶⁶² Federal Defendants’ Answer to 2d Am. Compl. ¶ 10 (emphasis added).

⁶⁶³ Federal Defendants’ Answer to 2d Am. Compl. ¶ 213 (emphasis added).

⁶⁶⁴ Federal Defendants’ Answer to 2d Am. Compl. ¶ 5 (emphasis added).

⁶⁶⁵ Federal Defendants’ Answer to 2d Am. Compl. ¶ 150 (emphasis added).

⁶⁶⁶ *Juliana v. United States*, 947 F.3d 1159, 1164 (9th Cir. 2020) (emphasis added).

particularized injuries.”⁶⁶⁷ The U.S. District Court concluded that the youth’s injuries are “ongoing or likely to recur” because experts estimated these underlying “**extreme weather events are likely to continue to increase as the global surface temperature continues to rise.**”⁶⁶⁸

230. In 2021, this Commission concluded that “climate change is one of the greatest threats to the full enjoyment and exercise of human rights of present and future generations.”⁶⁶⁹

231. In its Advisory Opinion, the IACtHR **unanimously confirmed** that the world is immersed in a **climate emergency** driven by the anthropogenic emission of greenhouse gas pollution.⁶⁷⁰ The Court made this declaration recognizing that the “magnitude of the impacts is undeniable,”⁶⁷¹ the adverse effects of climate change **already** “are, and will increasingly become, pervasive across all aspects of human life worldwide,”⁶⁷² “its impacts are numerous and constitute an unprecedented risk to both individuals and natural systems,”⁶⁷³ and that the excess of greenhouse gas pollution “**has greater effects on those who, today, are very young and who must live their whole lives in a climate environment that is increasingly adverse.**”⁶⁷⁴

232. As the IACtHR underscored:

A “factor that should be taken into account to define the climate emergency is the extreme *severity* of climate impacts. Indeed, with each additional gigaton of GHG emitted, and each degree of increase in the global temperature, the number of people exposed to disease, displacement, cultural losses, hunger, water insecurity, unemployment, poverty and, in general, inhuman living conditions increases exponentially. [...] [T]hose who have contributed least to the climate crisis are those who have the fewest resources to confront its most devastating consequences and, therefore, it is they who suffer these consequences most intensely.”⁶⁷⁵

⁶⁶⁷ *Juliana v. United States*, 339 F. Supp. 3d 1062, 1072, 1087-96 (D. Or. 2018) (emphasis added).

⁶⁶⁸ *Juliana*, 339 F. Supp. 3d at 1089.

⁶⁶⁹ *The Climate Emergency*, Inter-Am. Ct. H.R. 8.

⁶⁷⁰ *The Climate Emergency*, Inter-Am. Ct. H.R. Section VII. ¶ 1; *see also* ¶ 183.

⁶⁷¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 64.

⁶⁷² *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 118, *see also* ¶¶ 64-119.

⁶⁷³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 182.

⁶⁷⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 312.

⁶⁷⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 195 (emphasis by the Court).

233. The ICJ affirmed these findings, warning that the consequences of climate change are “severe and far-reaching,” “affect human populations,” place “human life and health [...] at risk,” are “majors contributors to [...] infant and child mortality,” and that “[t]hese consequences underscore the urgent and existential threat posed by climate change.”⁶⁷⁶ The ICJ underscored that climate change is an **“existential problem of planetary proportions that imperils all forms of life and the very health of our planet.”**⁶⁷⁷

234. These conclusions align with more than a century of scientific evidence⁶⁷⁸ and more than a decade of legal authority⁶⁷⁹ recognizing that greenhouse gas pollution and resulting climate change constitute a “serious and urgent situation” presenting “a risk of irreparable harm,” especially for children.⁶⁸⁰

235. Every day, the U.S. extracts, burns, and sells more fossil fuels without commonsense precautionary mechanisms in place that protect the Petitioners. Every day, CO₂ emissions, emanating in increasing and disproportionate amounts from the United States, threaten the climate’s capacity to sustain human life. Every day these emissions endanger the physical and

⁶⁷⁶ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 73, 382-84; *see also* ¶ 421 (recognizing the “unprecedented nature and scale of harm resulting from climate change”).

⁶⁷⁷ *Obligations in Respect to Climate Change*, I.C.J. ¶ 456 (emphasis added).

⁶⁷⁸ Section II, of this Petition.

⁶⁷⁹ *See, e.g., PBS v. Brazil*, ADPF708, S.T.F. [Federal Supreme Court] (Braz. Jul. 1, 2022), ¶ 7, (“All these changes could jeopardize man’s survival on Earth.” Originally “O conjunto de tais alterações pode colocar em risco a sobrevivência do homem na Terra.”), https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2022/20220701_ADPF-708_decision-2.pdf; *Held v. Montana*, No. CDV-2020-307, 2023 WL 5229257, at *39 (Mont. 1st Jud. Dist. Ct. Aug. 14, 2023) (“[Youth] Plaintiffs’ injuries will grow increasingly severe and irreversible without science-based actions to address climate change.”); *Stichting Urgenda v. The State of the Netherlands*, No. 19/00135, Judgment at 5.7.9 (Sup. Ct. Neth. Dec. 20, 2019) (“Climate change threatens human rights [...].”) https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2020/20200113_2015-HAZAC0900456689_judgment.pdf; *Leghari v. Federation of Pakistan*, W.P. No. 25501/2015, ¶ 6 (Lahore High Ct. Sept. 4, 2015), (“Climate change is the defining challenge of our time and has led to dramatic alterations of our planet’s climate system [...]. On a legal and constitutional plane this is a clarion call for the protection of fundamental rights[...].”). https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2015/20150404_2015-W.P.-No.-25501201_decision.pdf.

⁶⁸⁰ UN Committee on the Rights of the Child (CRC), General Comment No. 26, *Children’s Rights and the Environment with a Special Focus on Climate Change*, U.N. Doc. CRC/C/GC/26 (Aug. 22, 2023) (Emphasizing that climate change constitutes an **“urgent and systemic threat** to children’s rights globally.”) (emphasis added).

mental health and threaten the fundamental rights of the Petitioners, those of their generation, and those yet to come. The situation thus meets the gravity, urgency, and irreparable harm requirements of Article 25 of the Commission's Rules of Procedure.

B. Petitioners' Requested Precautionary Measures Are Consistent with Previously Granted Precautionary Measures and the U.S.'s International Obligations

236. The requested precautionary measures are consistent with measures the Commission granted in other cases, and with the U.S.'s obligations as clarified by the IACtHR and the ICJ in their recent Advisory Opinions.

237. In 2017, the Commission issued precautionary measures in a case from Peru involving an oil spill that had taken place three years before. The Commission found that "the alleged contamination continue[d] to have effects, notwithstanding the passage of time."⁶⁸¹ In that situation, certain heavy metals, including cadmium and mercury, were found to be above recommended levels.⁶⁸² Thus, the Commission requested that the State "adopt the necessary measures to protect the life and physical integrity of those who live in the [identified] communities," including conducting medical tests to determine contamination levels; guaranteeing that community members had access to water free of contaminants and to nutritionally and culturally adequate food; agreeing on the measures to be adopted with the beneficiaries and their representatives; and reporting on the measures adopted to mitigate the pollution's impacts.⁶⁸³

⁶⁸¹ *Residents of the Cmty. of Cuninico v. Peru*, Precautionary Measures No. 120/16, Inter-Am. Comm'n H.R., Resolution No. 52/17, ¶ 32 (Mar. 28, 2017), <https://www.oas.org/es/cidh/decisiones/pdf/2017/52-17mc120-16-pe.pdf>, ¶ 32; IACHR, Press Release, *IACHR Grants Precautionary Measure for the Communities of Cuninico and San Pedro in Loreto, Peru* (Dec. 2, 2017) [hereinafter *Peruvian Precautionary Measures*], https://www.oas.org/en/iachr/media_center/PReleases/2017/205.asp.

⁶⁸² *Residents of the Cmty. of Cuninico v. Peru*, Precautionary Measures No. 120/16, Inter-Am. Comm'n H.R., Resolution No. 52/17, ¶ 32 (Mar. 28, 2017), <https://www.oas.org/es/cidh/decisiones/pdf/2017/52-17mc120-16-pe.pdf> [hereinafter *Resolution No. 52/17*]; *Peruvian Precautionary Measures*.

⁶⁸³ *Resolution No. 52/17*, ¶ 41(a).

238. In 2020, the Commission requested that Mexico “take the measures necessary to protect the rights to life, personal integrity and health” of inhabitants living within five kilometers of the Santiago River and Lake Chapala due to environmental contamination.⁶⁸⁴ The Commission found that:

“[The] alleged contamination is mainly received through the daily exposure to the pollutants which flow through the river, be it through physical contact with the water used by the population for agricultural means, or by breathing the pollutants which volatilize in the air, principally in the El Salto waterfall.”⁶⁸⁵

239. The Petitioners in this case live not five kilometers from the pollution but amidst it. It is something they cannot escape. Every day they are immersed in a climate emergency that fuels deep fear, pain, and anxiety. There are many moments in their young lives when they have no choice but to step into contaminated flood waters, endure heat so extreme it triggers respiratory crises, evacuate their homes to avoid hurricanes, or breathe smoke from wildfires fires enveloping their nearby forests.⁶⁸⁶

240. In Petitioners’ case, similar to the Peruvian case, there is a “recommended level” for the atmospheric concentration of CO₂: 350 ppm.⁶⁸⁷

241. As detailed in this Petition, the U.S. has facilitated and actively encouraged emission levels that far exceed the standard established by the best available science and the level required to restore the health of the climate system. Petitioners have been exposed to this increasingly dangerous climate for their entire lives and, absent urgent, deep and sustained

⁶⁸⁴ *Inhabitants of the Areas Near the Santiago River v. Mexico*, Precautionary Measures No. 708-19, Inter-Am. Comm’n H.R., Resolution 7/2020 (Oct. 23, 2020), [OEA/Ser.L/V/II.176, doc. 20] [hereinafter Resolution 7/2020].

⁶⁸⁵ Resolution 7/2020.

⁶⁸⁶ See Section II and Appendix B.

⁶⁸⁷ See Section II(D).

reductions to zero CO₂ emissions and net-zero for other greenhouse gases, that exposure will only continue to worsen.⁶⁸⁸

242. No judicial or political remedy is available to Petitioners at the domestic level. Petitioners persisted for ten years to uphold their rights, but were met with a gross denial of justice.⁶⁸⁹

243. As detailed in Section IV of this Petition, the IACtHR and the ICJ confirmed that the U.S., like every other State, is already obligated under international law to take all necessary⁶⁹⁰ and effective⁶⁹¹ measures to “achieve the deep, rapid, and sustained reductions GHG emissions” required “for the prevention of significant harm to the climate system.”⁶⁹² These measures must be designed according to best available science,⁶⁹³ meet human rights standards,⁶⁹⁴ and necessarily include setting a mitigation target, and States must use all means at their disposal to achieve this target.⁶⁹⁵

244. Article 25(4)(c) requires a description of the measures of protection requested.⁶⁹⁶ Petitioners request that the Commission adopt the following precautionary measures and call upon the United States to take the following specific actions:

- 1) Institute measures to protect Petitioners from threats, harassment, or acts of violence while pursuing this Petition as environmental and human rights defenders;

⁶⁸⁸ Federal Defendants’ Answer to 2d Am. Compl. ¶¶ 1, 5, 207, 213, 216.

⁶⁸⁹ Sections III and V(C).

⁶⁹⁰ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 403, 457(E); *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 227.

⁶⁹¹ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 189, 233.

⁶⁹² *Obligations in Respect to Climate Change*, I.C.J. ¶ 282.

⁶⁹³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 331, 336, 343, 589.

⁶⁹⁴ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 323-44.

⁶⁹⁵ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 323-44; *Obligations in Respect to Climate Change*, I.C.J. ¶ 457(B)(a).

⁶⁹⁶ Inter-Am. Comm’n H.R., Rules of Procedure, art. 25(4)(c).

- 2) Take all necessary⁶⁹⁷ and effective⁶⁹⁸ measures to “achieve the deep, rapid, and sustained reductions of GHG emissions” required “for the prevention of significant harm to the climate system”⁶⁹⁹ according to best available science,⁷⁰⁰ including:
 - a. Revoke all administrative, legislative and other measures that foster a fossil-fuel based energy system and undermine mitigation of greenhouse gas emissions;⁷⁰¹
 - b. Take steps to cease subsidizing, permitting, exporting and otherwise fostering fossil fuel extraction, development, combustion, consumption and exportation;⁷⁰²
 - c. Set a mitigation target according to the best available science, adopt a mitigation strategy grounded in human rights standards,⁷⁰³ and use all means at its disposal to achieve this target.⁷⁰⁴
- 3) Adopt measures in consultation with the Petitioners and their representatives;
- 4) Report on the actions taken to allow the investigation of the conditions that led to the situation described in the Petition; and
- 5) Provide any other relief as appropriate.

⁶⁹⁷ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 403, 457(E); *The Climate Emergency*, Inter-Am. Ct. H.R. ¶ 227.

⁶⁹⁸ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 189, 233.

⁶⁹⁹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 282.

⁷⁰⁰ *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 331, 336, 343, 589.

⁷⁰¹ *Obligations in Respect to Climate Change*, I.C.J. ¶ 447.

⁷⁰² *Obligations in Respect to Climate Change*, I.C.J. ¶¶ 447-48.

⁷⁰³ *The Climate Emergency*, Inter-Am. Ct. H.R. ¶¶ 323-44.

⁷⁰⁴ *Obligations in Respect to Climate Change*, I.C.J. ¶ 457(B)(a).

VII. REQUEST FOR RELIEF

245. Every young person bringing this action was born into the climate emergency and lives each day unable to fully enjoy the right to a healthy climate, and the many rights that depend on it. They cannot live in balance with nature, understanding the natural cycles of Earth and the places they come from, as their ancestors and generations before them did. They will spend their entire lives immersed in this crisis, with every heat-trapping tonne of fossil fuel carbon dioxide emitted to the atmosphere outlasting their lives, yet they hold fast to the hope that their children, grandchildren, and those who follow will one day experience that right in full. That hope drives their action. Their fight is for their lives this century and also for the future, but it stands on the shoulders of those who came before. Nearly twenty years ago, the Inuit of the United States and Canada brought the first known legal claim linking climate change to human rights before this Commission. Like the present Petition, the Inuit detailed how climate change—caused by acts and omissions of the United States—resulted in the violation of their most basic rights. Though that petition was not admitted, it laid a cornerstone for this case. And today, the scientific record is irrefutable, the human rights harms are undeniable, and the legal obligations are clear.

246. For the reasons herein, Petitioners respectfully request that the Commission:

- 1) Declare the Petition admissible;
- 2) Urgently issue the necessary and appropriate precautionary measures to prevent further irreparable harm to the Petitioners' fundamental rights, in accordance with Section VI;
- 3) Consider the admissibility and merits of this petition simultaneously, in accordance with Article 37(4) of the Commission's Rules of Procedure, given the serious and urgent nature of the case and the ongoing violations of Petitioners' fundamental rights;
- 4) Conduct an on-site country visit, including a visit with the Petitioners, and hold hearings to facilitate fact-finding;

- 5) Find the U.S. in violation of Articles I (life), II (equality), V (private and family life), VI (family), VII (special protections for children), IX (inviolability of the home), XI (health), XIII (cultural life), XVIII (access to justice and effective remedies), XXIII (property), and XXIV (prompt and effective remedy) of the American Declaration and the rights to dignity (Preamble) and to a healthy climate;
- 6) Issue a country report with recommendations to the United States to remedy confirmed violations of international law, taking into account the clarifications of existing law set forth by the IACtHR and the ICJ in their in Advisory Opinions on the Climate Emergency and Human Rights and the Obligations of States in Respect of Climate Change;
- 7) Monitor any recommended compliance measures; and
- 8) Provide any other relief as appropriate.

APPENDIX A PROCEEDINGS

U.S. District Court for the District of Oregon:

Juliana v. United States, No. 15-cv-01517 (May 1, 2024)

U.S. Court of Appeals for the Ninth Circuit:

In re United States, No. 24-684 (Jul. 12, 2024)

Juliana v. United States, No. 18-36082 (Feb. 10, 2021)

Juliana v. United States, No. 18-80176 (Dec. 26, 2018)

In re United States, No. 18-73014 (Dec. 26, 2018)

In re United States, No. 18-72776 (Nov. 2, 2018)

In re United States, No. 18-71928 (Jul. 20, 2018)

In re United States, No. 17-71692 (Mar. 7, 2018)

Supreme Court of the United States:

Juliana v. United States, No. 24-645 (Mar. 24, 2025)

In re Juliana, No. 24-298 (Nov. 12, 2024)

In re United States, No. 18-505 (Jul. 29, 2019)

In re United States, No. 18A410 (Nov. 2, 2018)

United States v. U.S. Dist. Ct. for Dist. of Or., No. 18A65 (Jul. 30, 2018)

APPENDIX B WITH EXHIBITS
PRIMARY PLAINTIFF DECLARATIONS

1. Jan. 6, 2016, Declaration of [Vic] B., No 15-cv-01517 (U.S. District Court for District of Oregon)
2. Jan. 6, 2016, Declaration of Jaime B., No 15-cv-01517 (U.S. District Court for District of Oregon)
3. Jan. 6, 2016, Declaration of Levi D., No 15-cv-01517 (U.S. District Court for District of Oregon)
4. Feb. 7, 2019, Declaration of Levi D., No. 18-36082 (U.S. Ninth Circuit Court of Appeals)
5. Feb. 12, 2024, Declaration of Levi D., No. 24-684 (U.S. Ninth Circuit Court of Appeals)
6. Sept. 7, 2016, Declaration of Jayden F., No 15-cv-01517 (U.S. District Court for District of Oregon)
7. Jan. 6, 2016, Declaration of Alexander L., No 15-cv-01517 (U.S. District Court for District of Oregon)
8. Jan. 6, 2016, Declaration of Avery M., No 15-cv-01517 (U.S. District Court for District of Oregon)
9. Feb. 12, 2024, Declaration of Avery M., No. 24-684 (U.S. Ninth Circuit Court of Appeals)
10. Dec. 20, 2018, Declaration of Aji P., No. 18-80176 (U.S. Ninth Circuit Court of Appeals)
11. Feb. 7, 2019, Declaration of Aji P., No. 18-36082 (U.S. Ninth Circuit Court of Appeals)
12. Jan. 6, 2016, Declaration of Xiuhtezcatl Tonatiuh M., No 15-cv-01517 (U.S. District Court for District of Oregon)
13. Feb. 7, 2019, Declaration of [Nic] V., No. 18-80176 (U.S. Ninth Circuit Court of Appeals)
14. Feb. 12, 2024, Declaration of Isaac V., No. 24-684 (U.S. Ninth Circuit Court of Appeals)
15. Feb. 12, 2024, Declaration of Miko V., No. 24-684 (U.S. Ninth Circuit Court of Appeals)

16. Jan. 6, 2016, Declaration of Journey Z., No 15-cv-01517 (U.S. District Court for District of Oregon)

17. Feb. 7, 2019, Declaration of Journey Z., No. 18-36082 (U.S. Ninth Circuit Court of Appeals)

**APPENDIX C WITH EXHIBITS
EXHAUSTION OF DOMESTIC REMEDIES**

The U.S. Federal Court's Orders Dismissing and Denying Reconsideration

1. Jan. 17, 2020, Dismissed by the U.S. Ninth Circuit Court of Appeals
2. Feb. 10, 2021, Denial of request of rehearing *en banc* by the U.S. Ninth Circuit Court of Appeals
3. May 1, 2024, Dismissed by the U.S. Ninth Circuit Court of Appeals
4. July 12, 2024, Denial of request of rehearing *en banc* by the U.S. Ninth Circuit Court of Appeals
5. March 24, 2025, Dismissed by the U.S. Supreme Court

**APPENDIX D WITH EXHIBITS
VIOLATION OF THE RIGHT TO ACCESS JUSTICE
AND EFFECTIVE REMEDIES**

The U.S. Government's Seven Petitions for a Writ of Mandamus, Two Motions to Dismiss, and Fifteen Motions for Stay requested by the U.S. Department of Justice

1. Nov. 17, 2015, First Motion to Dismiss, No 15-cv-01517 (U.S. District Court for District of Oregon)
2. Mar. 7, 2017, First Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)
3. June 9, 2017, First Petition for Writ of Mandamus, Second Request to Stay, No. 17-71692 (U.S. Ninth Circuit Court of Appeals)
4. May 9, 2018, Third Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)
5. June 1, 2018, Fourth Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)
6. July 5, 2018, Second Petition for Writ of Mandamus, Fifth Motion to Stay, No. 18-71928 (U.S. Ninth Circuit Court of Appeals)
7. July 5, 2028, Sixth Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)
8. July 17, 2018, Seventh Application for a Stay, Construed by Defendants as Third Petition for Writ of Mandamus, No. 18A65 (U.S. Supreme Court)
9. Oct. 5, 2018, Eighth Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)
10. Oct. 12, 2018, Fourth Petition for Writ of Mandamus, Ninth Request to Stay, No. 18-72776 (U.S. Ninth Circuit Court of Appeals)
11. Oct. 18, 2018, Fifth Petition for Writ of Mandamus, No. 18-505 (U.S. Supreme Court)
12. Oct. 18, 2018, Tenth Request to Stay, No. 18A410 (U.S. Supreme Court)
13. Nov. 5, 2018, Sixth Petition for Writ of Mandamus, Eleventh Request to Stay, No. 18-73014 (U.S. Ninth Circuit Court of Appeals)
14. Nov. 15, 2018, Twelfth Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)

15. June 22, 2023, Second Motion to Dismiss, No 15-cv-01517 (U.S. District Court for District of Oregon)
16. July 7, 2023, Thirteenth Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)
17. Jan. 18, 2024, Fourteenth Motion to Stay, No 15-cv-01517 (U.S. District Court for District of Oregon)
18. Feb. 2, 2024, Seventh Petition for Writ of Mandamus, Fifteenth Motion to Stay, No. 24-684 (U.S. Ninth Circuit Court of Appeals)

The contributions of the Environmental Rights Practicum at Washburn University School of Law are acknowledged with appreciation.