



April 14, 2015, Written Testimony by Julia Olson, Our Children's Trust, in Support of HB 3470.

Good afternoon Honorable Chair Pederson and Members of the Committee. My name is Julia Olson and I am the executive director and legal counsel for Our Children's Trust. Thank you for hearing this testimony today on the most pressing issue of this time.

I want to address three reasons why this Committee and the entire Legislative Assembly should move quickly forward to refine and then pass HB 3470 during this legislative session. The three reasons are these: One, the state of climate emergency requires a comprehensive state law informed by the science of climate stability; two, you have a legal obligation to act; and three, you may be the last public trustees who can take timely action to prevent irreversible harms to all future generations.

First, an Effective Law Informed by Science:

Eight years ago, policymakers around the world thought that if we limited global warming to 2 degrees C above pre-industrial temperatures and carbon dioxide levels to 450 ppm from 280 ppm pre-industrial levels, we could prevent dangerous climate change. They were wrong. As the Washington Department of Ecology said in a report to the Washington Legislature in December 2014,

“Washington State’s existing statutory limits should be adjusted to better reflect the current science. The limits need to be more aggressive in order for Washington to do its part to address climate risks.”

In that report Ecology acknowledges that they and many scientists believe that the safe level of carbon dioxide for our atmosphere and our oceans is no higher than 350 ppm, a global level we exceeded the year the Berlin Wall came down in 1989.

Ecology also said in December that with only 0.8 degrees Celsius of warming to date,

“Climate change is not a far-off risk. It is happening now globally and the impacts are worse than previously predicted, and are forecast to worsen. . . If we delay action by even a few years, the rate of reduction needed to stabilize the global climate would be beyond anything achieved historically and would be more costly.”

With only 0.8 degrees of warming, we have locked in the permanent disintegration of both the West and East Antarctica ice sheets. While scientists do not now how long it will take for them to completely collapse, they are certain the melting is unstoppable in the next one to two centuries. The total amount of icemelt will cause an estimated 20-24 feet rise in sea level, which children born this year could witness in their lifetimes. Our carbon emissions to date have already caused that irreversible impact. Nothing short of comprehensive and targeted emission reductions will prevent further irreversible impacts.

HB 3470 responsibly uses current science to set mandatory limits on Oregon’s carbon dioxide and other greenhouse gas emissions and has built in flexibility to respond to new science as it develops. It also uses constitutionally sound market-based mechanisms and other discretionary agency tools to achieve those reductions in ways that benefit and protect our economy.



Two, Your Legal Obligation

One of the most essential purposes of government is to protect crucial natural resources, such as our air and water, for the survival and welfare of both present and future citizens. States, including the legislature, have an affirmative fiduciary legal obligation to preserve these crucial natural resources and cannot sit by idly while they are destroyed. This fiduciary obligation is firmly rooted in the law – specifically the public trust doctrine and our inalienable constitutional rights, reserved by the People, for the People. We stand before our public trustees today to ask that you enact a law that will meet your fiduciary duty to protect our public trust resources, including our atmosphere.

The U.S. Supreme Court declared in *Geer v. Connecticut* that “it is the duty of the legislature to enact such laws as will best preserve the subject of the trust, and secure its beneficial use in the future to the people of the state.” This ruling was affirmed by the Oregon Supreme Court just this year in *State v. Dickerson* when the court said the state has “power and duties” over trust resources.

HB 3470 would go a long ways towards helping you meet your fiduciary obligation to protect the atmosphere for present and future generations. HB 3470 protects public rights in the atmosphere free from dangerous levels of carbon emissions. It prevents polluters from using the resource for unfettered emissions above the limits you set, while still allowing for private and public emissions within the limits that prevent dangerous climate change. Legislatively capping private uses of a public resource is a traditional mechanism that has been used in many contexts, including setting fishing quotas, water rights allocations, or even speed limits on our public highways. As public trustees, you would be reserving the public’s rights in the atmosphere for climate stability not just for this generation, but for all future generations.

Third, Urgency is Mind-blowing and it is Up to You

Whether or not you feel the urgent responsibility in this room, this is an historic defining moment unlike any other in history. We are at the doorstep of climate tipping points and dangerous global warming feedback loops that could lead us irreversibly to points of no return. All of the top scientists in the world say that we will lock in climate impacts for future generations this decade. What you, our public trustees, do after this hearing today and during this legislative session matters immensely. Unlike other social justice issues, from the suffrage movement to the civil rights movement and the marriage equality movement, where children of a later generation could correct the injustices of their forefathers and mothers, *your* children, *your* nieces and nephews, will *not* be able to correct this injustice once we have passed climate tipping points and have caused runaway heating. We did not ask for this job, but nonetheless it is ours. It is yours. You took an oath of office when you entered this House and it is incumbent upon you to protect the public trust resources of our State, as well as the constitutional rights of our youngest citizens to life, liberty and the pursuit of happiness. Nothing poses a larger threat to those rights than climate destabilization.

Thank you.