


YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

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Case Law Database



RIKKI HELD & OTHERS V. STATE OF MONTANA & OTHERS



Child-friendly summary



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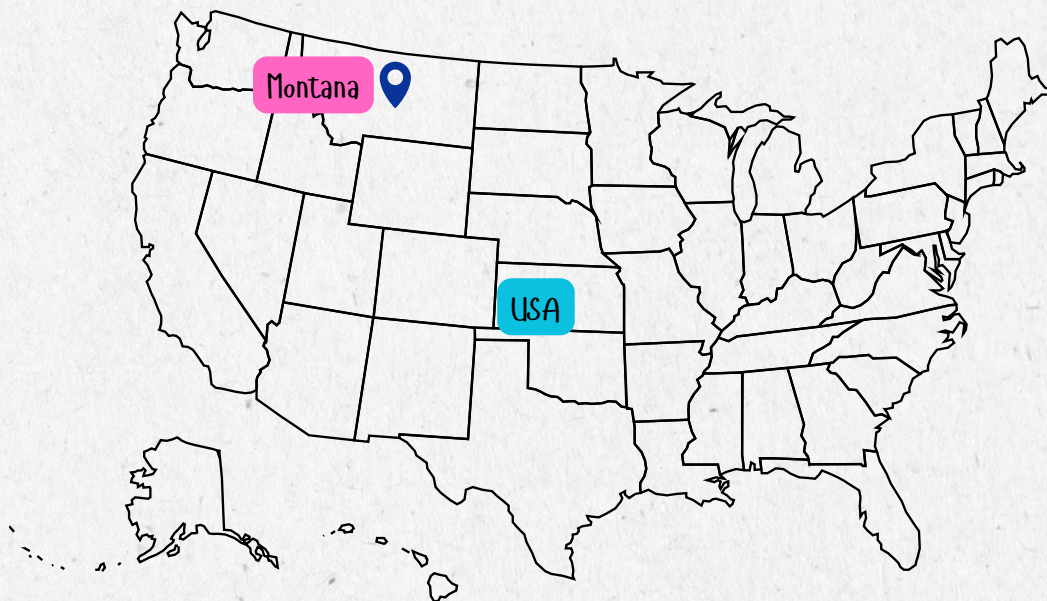
OVERALL SUMMARY

In 2020, 16 young people from the State of Montana in the USA brought a case against Montana's government arguing that the Montana Environmental Policy Act (MEPA) **violated the young people's right to a clean and healthful environment**. In 2024, the court agreed with the petitioners and said the MEPA was against Montana's Constitution.



THE CASE

A group of 16 young people from the State of Montana (USA) brought a case against the State Government arguing that the **Montana Environmental Policy Act (MEPA)** promoted the use of fossil fuels and was increasing the effects of climate change.



The youth argued that this violated **their right to a clean and healthful environment** under Montana's Constitution and asked the court to declare that the MEPA was unconstitutional.

*Tricky words in
BOLD explained
at the end!

MEET THE PETITIONERS!



Credit: Thom Bridge, Independent Record - Montana Free Press

Rikki Held is a young climate activist from the USA. Along with 15 other young people from the State of Montana, she took this petition to Montana's First Judicial District Court.

The petitioners argued that the MEPA promoted the **extraction and use of fossil fuels**, which was increasing GHG emissions. Under the MEPA, Montana was required to conduct environmental reviews of these activities. But after 2011, an exception was introduced, which resulted in the State not having to do those reviews anymore. The youth argued that climate change is **affecting Montana's environment**. They said climate change pollutes the air in the State of Montana's wilderness and the water in the mountains, and increases the risks of wildfires. They asked the court to declare that the **MEPA was against the law and was hurting the environment**.

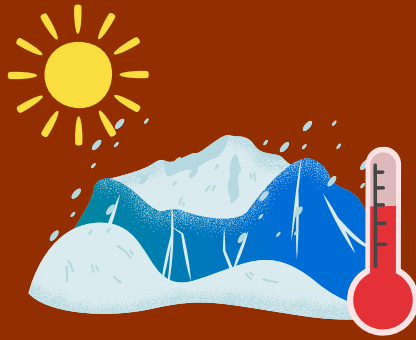
WHAT ARTICLES OF THE MONTANA'S CONSTITUTION DID THEY CITE?

- **Art. 2 (Sections 3, 15, 17) and Art. 9 (Section 1):** Right to clean and healthful environment, including the right to a stable climate system.
- **Art. 2 (Sections 3, 15, 17) and Art. 9 (Section 1):** Right to seek safety, health, and happiness.
- **Art. 2 (Sections 4, 15):** Individual dignity and equal protection
- **Art. 9 (Sections 1, 3):** Protection of Montana's clean and healthful environment for present and future generations.

FOR EXAMPLE:



Many children, including Youth petitioners, experience psychological impacts and feel anxious about the climate crisis. They feel that they are losing a place that is important to them, which is a phenomenon called “solastalgia”.



Climate change is melting glaciers in Glacier National Park in Montana. Of 150 glaciers present in the park in 1850, only 26 remained in 2015.



Impacts of climate disruption on National Parks (e.g. Yellowstone) threatens the continued ability of youth petitioners to access them for recreational activities. It also has an impact on Montana economy and its tourism industry.

WHAT DID THE COURT DECIDE?

In 2024, the Montana Supreme Court **agreed with the youth petitioners**. The decision reaffirmed that **young people and future generations have a fundamental right to a clean and healthy environment**, and that the MEPA and Montana’s government were failing to protect this right. The court also agreed with experts that said that the State could replace 100% of its existing fossil fuel energy with clean renewable energy across all economic sectors by no later than 2050.

WHY IS THIS CASE IMPORTANT?

This was the first time a court in the USA decided that a law failed to protect young people’s and future generations’ constitutional right to a safe and healthy environment. This opens the door to other children and youth that might want to bring a case against their States and stand up for climate justice. It shows that young people’s voices matter, and that courts can hold governments accountable when they ignore the harmful effects of climate change.





EXPAND YOUR KNOWLEDGE!

- **Montana Environmental Policy Act (MEPA)** is the State's law that aims to ensure that States Agencies (such as Montana Department of Environmental Quality, Montana Department of Transportation or Montana Department of Natural Resources and Conservation) are aware of the environmental impacts of their actions and decisions, and that these do not have an impact on the air, water, land, wildlife and cultural resources. MEPA requires state agencies to do environmental reviews for actions that may significantly affect the quality of the human environment. But in 2011, an exception applied which resulted in State agencies not having to do those reviews. The young people in this case argued that this exception promoted the continued use of fossil fuels, which was hurting the environment.



- **Solastalgia** is a word that describes the deep sadness people feel when the special places they love - like a forest, a beach, or even a mountain - change or get damaged because of pollution or climate change. This is how some of the young people in this case feel, as they experience how some places that are really important for them are being degraded.



- **Children's physical and mental health** should not be affected by climate change, pollution, unhealthy ecosystems, and loss of biodiversity. This is a fundamental right recognised internationally, for example by the Convention on the Rights of the Child (Article 24), as well as in national Constitutions all over the world.



- A **petition** is a legal document that asks for a specific court order. It can be created by a person, a group or an organisation, and it can be sent to a national or regional court, such as the European Court of Human Rights, or to an international body, such as the Committee on the Rights of the Child.