



Pediatricians lending voice, expertise to climate lawsuits across the country

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Pediatricians have played key roles in climate-related lawsuits brought by children and adolescents around the country, including a groundbreaking Montana case in which a judge ruled the state's support of the fossil-fuel industry violates the rights of youths.

Youths have filed lawsuits in several states, including Montana and Virginia, and against the U.S. government. The cases are supported by Our Children's Trust, a nonprofit law firm that provides legal services to youths in climate cases.

A Montana judge ruled Aug. 14 in favor of 16 youth plaintiffs, who in 2020 filed a lawsuit against the state alleging leaders violated their right to a "clean and healthful environment" as outlined in the state constitution.

"Montana's (greenhouse gas) emissions and climate change have been proven to be a substantial factor in causing climate impacts to Montana's environment and harm and injury to the Youth Plaintiffs," the judge wrote in the August ruling.

Lori G. Byron, M.D., M.S., FAAP, a member of the AAP Council on Environmental Health and Climate Change Executive Committee, served as an expert witness in the case.

“I am delighted,” Dr. Byron said following the decision. “The decision brings hope to the youth plaintiffs and also to the world!”

During her testimony on June 13-14, Dr. Byron noted the brain and lungs don't mature until people are in their 20s, meaning adverse climate events such as excessive heat and air pollution can affect children differently than adults.

“Climate change and the associated air pollution is creating conditions harmful to children's health, and the health impacts are worsening,” said Dr. Byron, a pediatric hospitalist at SCL Health in Billings, Mont. “Just as it behooves a smoker to quit smoking before they develop lung cancer, it behooves the state of Montana to take an interest in our future, which is our youth, and reduce the fossil fuels and begin climate change mitigation on a serious level.”

After working with Indian Health Services for 27 years, Dr. Byron began focusing on climate change and related health issues with her husband, Robert, who is an internist.

“My husband and I started researching and realized we were missing the boat in public health if climate change was not tackled,” she said. “It's a huge health issue. When pregnant women are exposed to heat or air pollution, medical research shows links to preterm birth, small for gestational age babies, stillborns and neurodevelopment issues like autism, ADHD and lower IQ.”

They founded Montana Health Professionals for a Healthy Climate in 2018, a nonprofit organization that seeks to address the causes and impacts of climate change while protecting and enhancing the health of the state's residents. Dr. Byron said she does not benefit financially from her climate work, and any stipend she may receive is given to her nonprofit.

Julia Olson, chief legal counsel and executive director of Our Children's Trust, called the decision in the Montana case a “sweeping win” for her clients.

“As fires rage in the West, fueled by fossil fuel pollution, today's ruling in Montana is a game-changer that marks a turning point in this generation's efforts to save the planet from the devastating effects of human-caused climate chaos,” Olson said. “More rulings like this will certainly come.”

Federal case awaiting trial

A similar case, *Juliana v. United States*, was filed by 21 youths in 2015. The complaint alleges the U.S. government has violated the plaintiff's constitutional rights to life, liberty and property, and has failed to protect essential public trust resources. In June, U.S. District Court Judge Ann Aiken ruled the case can proceed to trial.

Jerome A. Paulson, M.D., FAAP, past chair of the AAP Council on Environmental Health Executive Committee, was asked to provide expert testimony when the case was in its early stages. Dr. Paulson previously testified in court on lead poisoning and is a founding member of Virginia Clinicians for Climate Action, which aims to bring the health voice to climate policymaking in the state.

“It was clear to me that climate change is the most important problem facing humanity,” said Dr. Paulson, emeritus professor of pediatrics and environmental and occupational health at the George Washington University Schools of Medicine and Public Health in Washington, D.C. “I believe each of us as human beings

has a responsibility to make the world a better place. It's not something any one of us can do on our own, but it's a responsibility that we all have to contribute to. It doesn't have to be child health advocacy, but that's been my mechanism for trying to fulfill this responsibility that I have."

In addition to providing expertise, Dr. Paulson said pediatricians can address climate issues by creating sustainable initiatives at their practice or medical center or becoming involved with an AAP chapter.

"My plea to pediatricians would be to get involved at whatever level they are comfortable with and support the health of kids," Dr. Paulson said.

Virginia case awaiting hearing date

In 2022, 12 youths from Virginia filed a constitutional climate lawsuit against the state. The plaintiffs in *Layla H. v. Commonwealth of Virginia* argue the state's permitting of fossil fuels is causing and contributing to the climate crisis, which violates their constitutional rights. After a judge dismissed the case last fall, the plaintiffs appealed. At press time, they were awaiting a hearing date for oral arguments.

"I think there's a real community of clinicians, doctors, nurses and health professionals of many specialties that are starting to collaborate to bring our voice to the clean energy policymaking discussion," said Samantha Ahdoot, M.D., FAAP, chair and founding member of Virginia Clinicians for Climate Action. She also serves on the Medical Society Consortium on Climate and Health Steering Committee and was a lead author of the 2015 AAP policy statement and technical report [Global Climate Change and Children's Health](#).

"Providers are starting to recognize we have an important story to share and an important role to speak up for our patients," Dr. Ahdoot said. "There's a lot of opportunities. Every child is entitled to a healthy environment and a safe world for their future. It only makes sense that we are there to support in this effort."

Resources

- AAP information on [climate change](https://bit.ly/46qH6Zz), <https://bit.ly/46qH6Zz>
- AAP fact sheet on the impact of climate change on children's health, <https://bit.ly/452hkcX>
- AAP Council on Environmental Health and Climate Change, <https://bit.ly/3LQEPvk>