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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

RIKKI HELD, et al., Plaintiffs, v. STATE OF MONTANA, et al., Defendants.	Cause No. CDV-2020-307 Hon. Kathy Seeley DECLARATION OF LISE VAN SUSTEREN IN SUPPORT OF PLAINTIFFS' RESPONSE BRIEF IN OPPOSITION TO DEFENDANTS' MOTION TO PARTIALLY DISMISS FOR MOOTNESS
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Pursuant to MCA §1-6-105, Lise Van Susteren hereby declares as follows:

1. I am an expert and rebuttal witness in the above-entitled action. I am making this declaration in support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness. I have personal knowledge of the facts I state herein, except as to those stated on information and belief, and if called to testify, I would and could testify competently thereto.

QUALIFICATIONS & EXPERT TESTIMONY

2. The purpose of my expert report in this case was "to evaluate facts and science and to render opinions on the impacts of climate change on the mental health of children, including the 16 Youth Plaintiffs in this case. My opinion focuses on the psychological and mental health impacts of climate change on young people, future generations, and select individual Plaintiffs in this case." Doc. 222, Expert Report at 1. In preparing my expert report, I reviewed documents, data, and studies, including Plaintiffs' complaint, which are identified in Attachment 2 to my expert report. Expert Report Attachment 2. I am giving this declaration to supplement my expert report in light of new information that has been brought to my attention.
3. I also wrote a rebuttal report in this case, to respond to section 2.3 of Dr. Judith Curry's expert report. Doc. 240.
4. I am a board certified general and forensics clinical psychiatrist in practice for 29 years. My academic and clinical training took place at the University of Paris, in Togo West Africa, and at St. Elizabeth's Hospital in Washington D.C. I am a Clinical Associate Professor of Psychiatry at George Washington University School of Medicine and Behavioral Sciences in Washington, D.C. In addition to my private practice, I have worked in community mental health centers and for the Federal Government. Over the course of my career, I have provided

mental health services to people from all walks of life and across the entire socioeconomic spectrum. I have worked with the homeless in metropolitan Washington, D.C., with displaced persons traumatized by natural disasters, including most recently with survivors from Hurricane Ian in Florida, and with Physicians for Human Rights assessing the credibility of torture victims seeking political asylum in the U.S. I have also worked as a behavioral profiler at the Central Intelligence Agency performing psychological profiles of world leaders. As a psychiatrist in private practice, I have evaluated and treated individuals, couples and families. I am an expert in evaluating and treating individuals who have experienced trauma.

5. In 2013, I worked with Dr. James Hansen and a number of other experts on a paper entitled *Assessing "Dangerous Climate Change": Required Reductions of Carbon Emissions to Protect Young People, Future Generations and Nature*. (Hansen et al., 2013). This paper set the scientific prescription needed to restore Earth's energy imbalance and protect the mental health of young people. In the last decade I have given hundreds of presentations on climate change and mental health. I have served on the Maryland Task Force on Energy Policy and The Metropolitan Council of Governments, a multi-state council charged with protecting our climate and environmental health. I have also served on the Advisory Board of the Center for Health and the Global Environment at Harvard University T.H. Chan School of Public Health. I am a founding member of the Climate Psychiatry Alliance. In May 2018, I received the Distinguished Fellow award of the American Psychiatric Association, its highest membership honor. Over the last several years, I have helped develop youth climate anxiety assessment tools, conducted research and reviewed data in assessing the mental health of young people faced with climate change. In May of 2022 I was honored by the Washington Psychiatric

Society, a district branch of the American Psychiatric Association, for my work on climate and mental health. My full CV is available as Attachment 1 to my expert report.

6. In my expert report, I concluded “that climate change poses a significant threat to the mental health and wellbeing of Montana’s children, and the 16 youth Plaintiffs in the case. It is my professional opinion that a remedy to ease the psychological suffering waged on these Plaintiffs by their own government is clear and available: a court order recognizing that Montana’s energy policy betrays government’s role to protect its youngest and most vulnerable citizens and is therefore unconstitutional. Climate scientists have clearly articulated a scientific prescription to stabilize the climate system and protect young people, yet Montana continues policies and practices which promote high fossil fuel emissions and take us in the opposite direction of where climate scientists say we need to be headed.” Expert Report at 1.

THE REPEAL OF THE ENERGY POLICY ACT

7. I recently received additional information that was not available to me when I wrote both my expert and rebuttal reports. Specifically, the State of Montana has repealed the Energy Policy Act, one of the statutes the Plaintiffs challenged in their complaint as being unconstitutional. I have also reviewed the declaration of Plaintiffs’ expert Anne Hedges, which provides additional information leading up to the repeal of the Energy Policy Act. Doc. 300, Hedges Decl. in Supp. of Pls.’ Opp’n to Defs’ MSJ. This new development does not change any of the conclusions I made in either my expert or rebuttal reports.
8. The conclusions in my expert report are not dependent on any specific piece of legislation. Rather, my conclusions are based on “the root cause of the psychological injuries: climate change.” Expert Report at 1. If Defendants continue to prioritize and promote fossil fuels, which the Plaintiffs allege they are doing in ways such as issuing permits and licenses,

Complaint ¶¶ 118-20, the Plaintiffs' injuries will persist. I have been provided with no information to suggest that Montana has changed its current energy policy to indicate the State would no longer promote fossil fuels. In fact, a spokesperson for Montana's Governor Gianforte recently confirmed that Montana has an all-of-the-above energy policy, which necessarily includes continued use of fossil fuels.¹ As I concluded in my expert report, "[i]n promoting fossil fuel based policies, the state of Montana is directly at fault for harming Plaintiffs' mental health." Expert Report at 22.

THE IPCC'S NEW SYNTHESIS REPORT

9. On March 20, 2023, the Intergovernmental Panel on Climate Change ("IPCC") issued a new *Summary for Policymakers* about the Synthesis Report of the IPCC Sixth Assessment Report.²

I have reviewed this summary and found several statements which support the conclusions made in my expert and rebuttal reports.

- "In assessed regions, some mental health challenges are associated with increasing temperatures (*high confidence*), trauma from extreme events (*very high confidence*), and loss of livelihoods and culture (*high confidence*)." IPCC Summary for Policymakers at A.2.5.
- "Individual livelihoods have been affected through, for example, destruction of homes and infrastructure, and loss of property and income, human health and food security, with adverse effects on gender and social equity (*high confidence*)." IPCC Summary for Policymakers at A.2.6.

¹ David Gelles, *In Montana, It's Youth vs. the State in a Landmark Climate Case*, N.Y. Times (Mar. 31, 2023), <https://www.nytimes.com/2023/03/24/climate/montana-youth-climate-lawsuit.html>.

² Intergovernmental Panel on Climate Change, *Summary for Policymakers, in Synthesis Report of the IPCC Sixth Assessment Report (AR6) (2023)*, available at <https://www.ipcc.ch/report/ar6/syr/>.

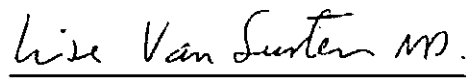
- “In the near term, every region in the world is projected to face further increases in climate hazards (*medium to high confidence*, depending on region and hazard), increasing multiple risks to ecosystems and humans (*very high confidence*). Hazards and associated risks expected in the near-term include an increase in heat-related human mortality and morbidity (*high confidence*), food-borne, water-borne, and vector-borne diseases (*high confidence*), and mental health challenges [in all assessed regions] (*very high confidence*), flooding in coastal and other low-lying cities and regions (*high confidence*), biodiversity loss in land, freshwater and ocean ecosystems (*medium to very high confidence*, depending on ecosystem), and a decrease in food production in some regions (*high confidence*). Cryosphere-related changes in floods, landslides, and water availability have the potential to lead to severe consequences for people, infrastructure and the economy in most mountain regions (*high confidence*). The projected increase in frequency and intensity of heavy precipitation (*high confidence*) will increase rain-generated local flooding (*medium confidence*).” IPCC Summary for Policymakers at B.2.1.
- “Climate change is a threat to human well-being and planetary health (*very high confidence*).” IPCC Summary for Policymakers at C.1.
- “Without urgent, effective, and equitable mitigation and adaptation actions, climate change increasingly threatens ecosystems, biodiversity, and the livelihoods, health and wellbeing of current and future generations. (*high confidence*)” IPCC Summary for Policymakers at C.1.3.

- “Deep, rapid and sustained mitigation and accelerated implementation of adaptation actions in this decade would reduce projected losses and damages for humans and ecosystems (*very high confidence*), and deliver many co-benefits, especially for air quality and health (*high confidence*).” IPCC Summary for Policymakers at C.2.

10. Although the support for my conclusions was already overwhelming, this new IPCC *Summary for Policymakers* confirms that “[w]ithout immediate action by the government to address climate change in line with what scientists say is needed to restore climate stability and protect young people (Hansen et al., 2013), it is my expert opinion that these Plaintiffs will continue to suffer acute and chronic psychological distress and that their suffering and symptoms will worsen. In promoting fossil fuel based energy policies, the State of Montana is directly at fault for harming Plaintiffs’ mental health.” Expert Report at 22.

Pursuant to MCA §1-6-105, I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Executed this 12th day of April, 2023 in Washington, D.C.


Lise Van Susteren
Lise Van Susteren