



Linda S. Adams
Acting Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Edmund G. Brown Jr.
Governor

UPDATE ON LITIGATION CHALLENGING SCOPING PLAN FOR THE GLOBAL WARMING SOLUTIONS ACT, AB 32

March 24, 2011

In response to the March 17, 2011 final statement of decision by Judge Ernest Goldsmith, San Francisco Superior Court, in *Association of Irrigated Residents, et al. v. California Air Resources Board, et al.*, the Air Resources Board (ARB) will pursue the following actions to ensure that California's crucial efforts to protect public health and develop a clean energy economy are not delayed.

- 1. ARB will continue efforts to engage petitioners to jointly ask the court to narrow any writ so that all measures in the Scoping Plan are not put on hold.** The petitioners' lawsuit is focused on the cap and trade program. ARB does not believe it is petitioners' intent to put on hold the many measures in the Scoping Plan now underway in California to develop cleaner energy and protect public health, such as efforts to improve energy efficiency, establish clean car standards, and enforce low carbon fuel regulations.
- 2. ARB will appeal the decision.** ARB is awaiting the writ and entry of judgment, but disagrees with the court's March 17 statement of decision finding the Scoping Plan California Environmental Quality Act (CEQA) analysis of alternatives to cap and trade is inadequate. In October 2010, as part of the cap and trade rulemaking, ARB completed a robust and comprehensive examination under CEQA of the alternatives to cap and trade that we believe fully address the concerns raised by the court. ARB will take immediate action to appeal the judgment upon finalization of the court's writ of mandate.
- 3. ARB will undertake efforts to revise the Scoping Plan CEQA analysis.** While ARB disagrees with the court's statement of decision, we are committed to taking the necessary steps to revise the CEQA analysis. ARB is pursuing an aggressive schedule for supplementing the Scoping Plan CEQA alternatives analysis so as to provide as little disruption as possible to future programs, such as the cap and trade proposal. AB 32 implementation must move ahead; the numerous measures in the Scoping Plan are key parts of California's strategy to reduce pollution and drive investment in cleaner and more efficient technologies.

###

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency