

Good. The California Air Resources Board has adopted the nation's first mandate to lower the carbon in fuel. As these things go, it's pretty mild: a 10% reduction in carbon footprint by 2020.

That hasn't stopped the oil industry from complaining, of course, stating that CARB is "moving too fast." When will it not be moving too fast? When the Gulf Coast is underwater?

I expect that there will be lawsuits, but at first blush, pre-emption does not seem to be a problem: the Clean Air Act does forbid states from enacting more stringent fuel standards than the federal government, but section 211(c)(1)(B) specifically exempts California from this provision, for the sensible reason that California can create its own auto standards.

Right now, I'm just waiting for Dick Cheney to claim that secret documents demonstrate that high-carbon fuel helps prevent terror attacks.

UPDATE: Just saw Ann's post on the California waiver. I'm not sure about the inner workings of the administration, but it seems to me that California will still get the waiver. From an administrative law perspective, you could argue that the administration didn't simply overturn the Bush decision, because that overturning would still be subject to judicial review under an arbitrary-and-capricious standard. So what you would rather do is simply order a reconsideration, and have EPA do it through the normal process.