

The 1st Appellate District of the California Court of Appeal has [temporarily stayed](#) (in other words lifted) the trial court's injunction preventing the California Air Resources Board from implementing its cap and trade program for greenhouse gas emitters. As Cara [blogged previously](#), the trial court in Association of Irrigated Residents v. ARB issued a writ of mandate in late May preventing the Air Board from moving forward on cap and trade. The Air Board is appealing the underlying ruling — which held that the Board failed to comply with the California Environmental Quality Act — in the case brought by environmental justice advocates. The Court of Appeals has not yet ruled on the underlying case but in the meantime attorneys for CARB asked the appeals court — by filing what is called a writ of supersedeas — to allow the state to continue to work to implement the cap and trade program pending the outcome of the case. The Court of Appeals granted the state's writ. EJ advocates will have a chance to challenge the court's granting of the writ and must file briefs setting forth their opposition by June 20, 2011.

The cap and trade program is supposed to take effect on January 1, 2012. The court of appeals' ruling, if it stands, makes the 2012 start date much more likely.