

Court issues final ruling in AB 32 challenge — enjoins implementation of AB 32 scoping plan pending CEQA fixes | 1

On Friday, a California superior court judge handed down his decision in the challenge, brought by environmental justice advocates, to the state's implementation of AB 32, California's landmark Global Warming Solutions Act.

The decision is available [here](#). More analysis to come. On first read, the decision looks very similar to the tentative decision issued by the court about a month ago (and discussed [here](#) and [here](#)). It holds in favor of the CA Air Resources Board on all substantive challenges to the state's compliance with AB 32 mandates, showing substantial deference to ARB concerning how best to reach the greenhouse gas reduction goals set by the legislature in AB 32.

The court concludes, however, that the state failed to conduct adequate environmental review of its implementation decisions under CEQA. In particular, the court holds that the Air Resources Board (1) failed to consider adequately alternatives to the mix of measures adopted in the Scoping Plan, including especially alternatives to cap-and-trade measures, such as a direct carbon tax; and (2) improperly began implementing the Scoping Plan measures before its CEQA process was complete.

The court therefore enjoins "any further implementation of the measures contained in the Scoping Plan" until the state has complied with CEQA. As Ann discusses [here](#) in her analysis of the similar tentative decision, this decision is fairly narrow and the injunction temporary. Nevertheless, a partial setback for the state.