

Several of the bloggers on Legal Planet have been commenting extensively on the recent California court decision that will block the California Air Resources Board from moving forward with its AB 32 Scoping Plan and related regulations. I've provided links below to a series of our posts on this decision.

The court, ruling on a lawsuit brought by environmental justice advocates under the California Environmental Quality Act, found that the ARB's adoption of its scoping plan — created by the ARB to implement AB 32, California's landmark law to reduce the greenhouse gases that cause climate change to 1990 levels by 2020 — violated the California Environmental Quality Act. The court found that the ARB didn't adequately analyze potential alternatives to a "cap-and-trade" program. At the same time, the court rejected challenges to the plan based on several other grounds.

Unfortunately, our blog doesn't have a feature that allows us to connect or chain together a series of related posts. I hope the series of nine links below, in chronological order, will be helpful to anyone interested in this topic.

- (1) [I discussed the original lawsuit](#), way back in 2009 (with a link to the Complaint).
- (2) Prof. Cara Horowitz [discussed the tentative ruling](#) issued by the Court in January 2011 (with some links to some of the AB 32 Environmental Justice Advisory Committee's concerns about the Scoping Plan).
- (3) Prof. Ann Carlson [analyzed the scope and impact of the decision](#), concluding that the decision is narrow and "at most a temporary setback."
- (4) Cara [explained and briefly analyzed the Court's final ruling](#) in March 2011 that concluded that the Air Resources Board's scoping plan violated CEQA (this post includes a link to the final ruling).
- (5) Ann [assessed the environmental justice arguments against cap-and-trade programs](#), concluding that these arguments are misguided.
- (6) I [responded to Ann with my own analysis of environmental justice arguments against cap-and-trade](#), concluding that the EJ groups' actions are consistent with their stated beliefs and goals.
- (7) Prof. Jonathan Zasloff [provided a self-described "cynical" view of the lawsuit](#), asserting that EJ groups are using the lawsuit to gain leverage to extract

"concessions" from the State.

(8) I discussed [the lawsuit's potential to have the unintended impact of preventing ARB from implementing measures other than cap-and-trade](#) to address greenhouse gas emissions.

(9) I [speculated that this legal development might provide Governor Brown with an opportunity to revisit the use of cap-and-trade](#) to implement AB 32, if he's inclined to do that.

I hope this provides a useful guide to some of the issues that have come up. We will undoubtedly continue to add more commentary as the situation unfolds.

UPDATE: I had missed one of the posts, and have added it and renumbered them all so it's more complete.