

Court of Appeals rules in favor of California's Low Carbon Fuel Standard

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In California, the Ninth Circuit Court of Appeals issued a decisive ruling upholding California's Low Carbon Fuel Standard – the state's landmark program to reduce climate pollution from the fuel used in cars and trucks.

The court sided with California on all issues in the case, dismissed challenges to the Low Carbon Fuel Standard on numerous grounds, and awarded attorneys' fees to the state.

"This is a thorough victory for the climate and for the health and safety of Californians," said Tim O'Connor, Senior Director of California Energy Policy for Environmental Defense Fund, which was a party to the case. "California is working hard to address the dangers of air pollution, including climate pollution, from cars and trucks. Today the court affirmed California's right to develop regulations that can help with that critical work, and can provide cleaner and healthier air for families and communities around the state."

The legal challenge to the Low Carbon Fuel Standard started seven years ago. Large oil companies and corn-ethanol producers claimed it discriminated against out-of-state crude oil and ethanol, and thus violated the Commerce Clause of the Constitution. Opponents also claimed federal government regulation should prevent California from setting its own standards.

Challengers lost an earlier appeal to the Ninth Circuit in 2013. A year later the Supreme Court declined to reconsider the Ninth Circuit's decision. Opponents challenged the Low Carbon Fuel Standard again, lost in district court, and appealed to the Ninth Circuit for a second time.

On Monday, a three-judge panel of the Ninth Circuit again upheld the Low Carbon Fuel Standard. Judges rejected the argument that the policy is discriminatory under the Commerce Clause, saying:

"The California legislature is rightly concerned with the health and welfare of humans living in the State of California. These persons may be subjected, for example, to crumbling or swamped coastlines, rising water, or more intense forest fires caused by higher temperatures and related droughts, all of which many in the scientific

communities believe are caused or intensified by the volume of greenhouse gas emissions. The California legislators and regulators who created the CARB regulation of greenhouse gas emissions were clearly concerned with such dreadful environmental impacts. And, whatever else may be said of the revolutionary colonists who framed our Constitution, it cannot be doubted that they respected the rights of individual states to pass laws that protected human welfare.” (Decision, pages 8 and 9)