

San Francisco Chronicle

Cap-and-trade plan upheld by Calif. court

Bob Egelko

Wednesday, June 20, 2012

www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/06/19/BASU1P4MFB.DTL#ixzz1yMQhTM2E

A state appeals court on Tuesday upheld California's plan to combat global warming with a market-based cap-and-trade system to limit emissions of greenhouse gases, rejecting some environmental groups' arguments that the rules are too weak and could worsen certain types of air pollution.

The state Air Resources Board, which adopted the plan in 2009, gave adequate reasons for rejecting alternatives such as binding limits on emissions and a tax on carbon-based fuels, said the First District Court of Appeal in San Francisco.

"It is not for this court to re-evaluate ARB's judgment call," which came after "knowledgeable input from industry, academia, environmental organizations, and members of the general public," said Justice Stuart Pollak in the 3-0 ruling. He said the board can make future improvements based on "further research and experience."

The board's rules, scheduled to take effect next year, implement AB32, a first-in-the-nation law passed in 2006 that requires California to reduce by 2020 greenhouse gas emissions to 1990 levels.

Cap and trade sets industry-wide limits on emissions of carbon dioxide and other gases that scientists say are heating the planet. Businesses that exceed their limits can buy allowances from other companies and can also meet their obligations through environmentally friendly actions like planting trees.

Most environmental groups have backed the plan. But "environmental justice" organizations argue that the emission credits for tree-planting and for voluntary reductions in farm-related air pollutants are largely unenforceable and less effective than binding emission limits.

Opponents also contend that refineries and power plants that bought the right to exceed emission limits could subject surrounding communities, mostly poor and nonwhite, to increased pollution. In addition to Tuesday's court case, some of the same groups filed a civil rights complaint with the U.S. Environmental Protection Agency on June 8.

The court's assurances that defects can be repaired later will provide no relief "if toxic hot spots occur in low-income communities and communities of color where there's already a lot of pollution," said Maya Golden-Krasner, a lawyer with Communities for a Better Environment.

ARB spokesman Stanley Young said the ruling supports the board's goal of encouraging innovative technologies that will "continue to create new jobs and move California toward a clean-energy economy."

Bob Egelko is a San Francisco Chronicle staff writer. E-mail: beigelko@sfgate.com

This article appeared on page C - 2 of the San Francisco Chronicle