

Judge invalidates part of California's greenhouse gas law

By John Ellis, Fresno Bee

A Fresno federal judge on Thursday dealt a setback to California's landmark global warming law, which went into effect last year with the goal of reducing the state's greenhouse gas emissions to 1990 levels by 2020.

U.S. District Judge Lawrence J. O'Neill ruled that California's Low Carbon Fuel Standard violated the U.S. Constitution's Commerce Clause.

The standard aims to gradually cut the carbon content in gasoline 10 percent by 2020 and replace up to 20 percent of the total gasoline used annually in the state with renewable fuels such as ethanol.

Several groups – including the Fresno-based Nisei Farmers League and the Fresno County Farm Bureau – filed a lawsuit in December 2009 that challenged the state regulation, saying it violated the Commerce Clause by seeking to regulate farming and ethanol production practices in other states.

A similar suit that involved oil production was filed last year by groups including the National Petrochemical Refiners Association and the American Trucking Association. It was later consolidated with the first lawsuit.

It was clear Thursday that O'Neill's ruling will be appealed. But what will happen to the state's greenhouse gas law wasn't clear – representatives of both sides of the debate were still digesting O'Neill's complicated ruling.

Read the whole story

