



PRESS RELEASE

For Immediate Release

May 20, 2011

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COURT ENJOINS CAP AND TRADE

SACRAMENTO, CALIFORNIA – On May 20, 2011, a San Francisco Court halted cap and trade after it found that the California Air Resources Board (CARB) had failed to consider alternatives to protect the public health and the environment during the implementation of the California Global Warming Solutions Act—popularly known as AB 32. Numerous Environmental Justice groups filed this lawsuit in 2009 charging that CARB’s Scoping Plan violated the California Environmental Quality Act (CEQA).

Judge Ernest Goldsmith, of the San Francisco Superior Court ruled that CARB violated CEQA when, among other things, it failed to properly consider alternatives to a “cap and trade” program in its Scoping Plan to implement AB 32. The Court’s Writ, issued Friday, enjoins, or stops all implementation and actions in furtherance of cap and trade until CARB completes a lawfully adequate CEQA review. The Scoping Plan is CARB’s blueprint for how it plans to implement AB 32.

“We are encouraged that the Judge is now requiring CARB to take a hard and honest look at cap and trade,” said Bill Gallegos, Executive Director of Communities for a Better Environment, one of the environmental justice plaintiffs in the lawsuit. “We have even more evidence now that cap and trade does not work to reduce greenhouse gas emissions. In the European Union, emissions have increased by 3% in the past year under their program, and we also know that cap and trade has the worst impact on health in low income communities and communities of color,” Gallegos added.

Jesse Marquez of Wilmington, a community that is among the worst polluted by oil refineries and other industrial sources of air pollution in the state, explained that “Cap and trade schemes don’t work. The court is right that CARB should not continue implementing cap and trade until it has truly considered other options.”

Communities for a Better Environment represented itself and its members; the Center on Race, Poverty & the Environment (CRPE) represented Association of Irrigated Residents, Coalition for a Safe Environment, Society for Positive Action, West County Toxics Coalition, Angela Johnson Meszaros, Dr. Henry Clark, Jesse Marquez, Shabaka Heru, and Tom Frantz; Angela Johnson Meszaros represented Martha Dina Arguello, Caroline Farrell, and California Communities Against Toxics.

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