



## **PRESS RELEASE**

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### **CLIMATE LAW IMPLEMENTATION TO HALT**

#### **DEAL TO LIMIT COURT RULING FAILS TO MATERIALIZE**

SACRAMENTO, CALIFORNIA – On March 30, 2011, California Air Resources Board officials and environmental justice groups met in an unsuccessful effort to reach an agreement to limit the scope of a pending court order that will halt all implementation of the California Global Warming Solutions Act, popularly known as AB 32.

“While we cannot discuss the nature of our confidential negotiations, unfortunately we were unable to reach an agreement with the Air Resources Board that would allow the good parts – the great majority of the measures - of AB 32 to proceed,” said Caroline Farrell, Executive Director of the Center on Race, Poverty & the Environment. “The Air Resources Board is driving AB 32 off a cliff and we call on Governor Brown to provide the leadership necessary to ensure that the Air Resources Board implements AB 32 in a manner that benefits all Californians and guarantee that he will find willing partners in the environmental justice community,” added Farrell.

On March 18, 2011, a San Francisco Superior Court ruled that the California Air Resources Board violated the California Environmental Quality Act (CEQA) when it failed to properly consider alternatives to a “cap and trade” program in its plan to implement AB 32. Cap and trade is a pollution trading scheme that allows polluters—typically the oldest facilities located in low income communities of color—to continue or increase their pollution by buying “reductions” from other polluters. Instead of reducing local pollution and creating jobs in California, major polluters get to buy credits from often unverifiable projects in other states and countries.

Judge Ernest Goldsmith’s ruling rejected ARB’s rationale for choosing a pollution trading scheme, stating that the law requires more than “a discourse on cap and trade justification.” The decision requires ARB to fully analyze alternatives to the cap and trade program, and stops all implementation of the Scoping Plan – the cap and trade program as well as all other measures - until ARB complies with the law.

“Climate change has real and significant negative impacts on our communities now, and those impacts will only get worse if we delay in meeting the climate challenge,” said Bill Gallegos, Executive Director of Communities for a Better Environment, one of the environmental justice plaintiffs in the lawsuit. “We support the vast majority of the measures in the Scoping Plan, many of which we championed from the start, and want to see those measures move forward. We have been clear since AB 32’s inception that our biggest concern always has been, and continues to be, the unjust pollution trading scheme called Cap and Trade,” added Gallegos.

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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