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## Ninth Circuit upholds California's Low Carbon Fuel Standard

The Ninth U.S. Circuit Court of Appeals voted to uphold California's Low Carbon Fuel Standard (LCFS) and ruled against a lower court ruling that the LCFS violates the Constitution's Commerce Clause. The LCFS requires the oil industry to reduce the carbon intensity of transportation fuels by at least 10% by 2020. Using a life cycle analysis, the LCFS caps the average carbon intensity of transportation fuels in California's market. Fuel producers must meet the specified annual carbon intensity in their fuels or use credits to comply if they cannot reach the standard.

The state was granted a stay, which allows for the continuation of LCFS. The next step may be determined by the U.S. Supreme Court if they grant a petition to consider the constitutionality of California's fuel standard. The appellate court case is *Rocky Mountain Farmers Union v. Richard W. Corey*, No. 12-15131.

Sources: California Environmental Protection Agency, United States Courts

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