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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF FRESNO, CENTRAL DIVISION**

16 DEFENSORES DEL VALLEY CENTRAL
17 PARA EL AIRE Y AGUA LIMPIO; FOOD &
WATER WATCH; ANIMAL LEGAL DEFENSE
18 FUND; and CENTER FOR FOOD SAFETY,

19 Petitioners/Plaintiffs,

20 v.

21 CALIFORNIA AIR RESOURCES BOARD, an
22 agency of the State of California; Steven S. Cliff,
in his official capacity as Executive Officer of the
23 California Air Resources Board; and DOES 1-10,
24 inclusive,

25 Respondents/Defendants.

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE; COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(Code Civ. Proc. §§ 1085, 1094.5; 1060)

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Petitioners and Plaintiffs Defensores del Valle Central para el Aire y Agua Limpio (“Defensores”), Food & Water Watch, Animal Legal Defense Fund, and Center for Food Safety (collectively “Petitioners”) respectfully submit this Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against Respondents and Defendants the California Air Resources Board, CARB Executive Officer Steven S. Cliff, and Does 1–10 (collectively “CARB”).¹

INTRODUCTION

1. This action challenges CARB’s decision to adopt amendments to the California Low Carbon Fuel Standard, 17 Cal. Code Regs. §§ 95480 *et seq.* (“LCFS”) which became effective on July 1, 2025 (“2025 LCFS Amendments”), in a manner that exceeded CARB’s statutory authority; was arbitrary, capricious, and contrary to law; and was unsupported by substantial evidence.

2. CARB adopted the LCFS in 2009 to reduce greenhouse gas (“GHG”) emissions from fuels used in the transportation sector to help CARB meet the statewide greenhouse gas emissions limit by 2020.

3. The LCFS has evolved far beyond that initial conception. Today, the LCFS is a sprawling program that reaches far beyond 2020, or the statewide greenhouse gas emissions limit it was intended to help CARB meet. And CARB is using the LCFS to achieve goals and purposes beyond the transportation sector. In short, the LCFS has become something it was never intended to be when initially conceived and adopted.

4. One result of this massive expansion of the program is that the LCFS is now a leading driver of “factory farm biogas” production in California and across the country. Factory farm biogas is also known as “biomethane” when it has been processed so that it can be injected into natural gas pipelines.

5. Factory farm biogas is derived from animal manure stored at factory farms. Factory farms are large-scale industrial operations that generally confine thousands—if not tens of thousands—of cows,

¹ Petitioners filed a separate action in this Court against Defendants and Respondents on December 18, 2024: Case No. 24CECG05508. In that action, Petitioners allege that CARB violated the California Environmental Quality Act (CEQA) when it adopted the 2025 LCFS Amendments and certified the related environmental impact analysis.

1 hogs, or other animals without access to pasture.

2 6. The LCFS establishes a declining carbon intensity benchmark against which
3 transportation fuels are measured. Fuels that are more carbon intense than the benchmark generate
4 deficits; those that are less carbon intense than the benchmark generate credits. To determine the carbon
5 intensity of a fuel, CARB must account for the GHG emissions associated with all of the steps of
6 producing, transporting, and consuming the fuel, also known as the well-to-wheel fuel lifecycle.

7 7. CARB treats factory farm biogas as the fuel with the lowest carbon intensity of any fuel
8 in the LCFS, lower than other fuels such as electric vehicles charged by zero-emissions solar power.

9 8. CARB recently expanded the LCFS again in numerous ways through the Amendments
10 Petitioners challenge here. For example, CARB extended the scope of the program to incentivize factory
11 farm biogas in not only the transportation sector but other non-transportation sectors of the economy as
12 well, such as the industrial sector and for hydrogen production, for decades to come.

13 9. This significantly increased the incentives for factory farms to produce biogas in order to
14 generate LCFS credits.

15 10. These increased incentives to produce biogas in turn increase the environmental and public
16 health harms caused by larger and more concentrated factory farms managing manure to maximize biogas
17 production.

18 11. The 2025 LCFS Amendments increased the carbon intensity benchmarks between 2025
19 and 2030 and established declining benchmarks between 2031 and 2045. CARB intends for these
20 amendments to increase the market price of LCFS credits. These increased costs associated with the
21 increased price of credits will be borne by people purchasing gasoline and diesel fuels, and will be borne
22 disproportionately by low-income people and people of color.

23 12. Despite CARB's major amendments to existing LCFS regulations and adoption of new
24 regulations, CARB claims nearly unbounded discretion to operate the LCFS without considering the
25 requirements and restrictions imposed by its enabling statute, Assembly Bill 32: the Global Warming
26 Solutions Act of 2006, as amended by Senate Bill 32, Assembly Bill 197, and Assembly 1279
27 (collectively "Global Warming Solutions Act"). This exceeds CARB's authority under the Global
28 Warming Solutions Act, which expressly delineates CARB's authority to adopt rules and regulations.

13. Furthermore, CARB's decision was arbitrary and capricious and not supported by substantial evidence because the 2025 LCFS Amendments will result in double counting of methane emissions reductions, undermining the purposes and goals of the statutes CARB purports to advance.

14. Finally, the LCFS is already causing perverse outcomes that undermine the integrity of the program, harm the climate and local environmental quality, and harm low-income Californians and people of color. CARB's decision to adopt the 2025 LCFS Amendments will exacerbate those problems.

15. Accordingly, this Court should issue the requested writ of mandate and grant declaratory and injunctive relief to protect Californians as the Legislature has required and hold CARB accountable.

PARTIES

16. Petitioner and Plaintiff Defensores is an unincorporated association of residents of disadvantaged communities in the San Joaquin Valley.² The mission of Defensores, as stated in its bylaws, is to “promote and enforce policies and practices that decrease pollution, degradation of the environment, and other negative impacts from dairies on vulnerable communities and the region.” Members of Defensores reside near dairies that have installed digesters, that plan to install digesters, and/or that may install digesters in the future; and thus directly experience the negative impacts and risks caused and exacerbated by dairy operations. Here, Defensores acts in the public interest, and in the interest of its members, to enforce policies and practices that decrease pollution, degradation of the environment, and other negative impacts from large dairies and the production of fuels derived from manure on vulnerable communities in the San Joaquin Valley and the San Joaquin Valley region generally. Defensores, under its English-language name Central Valley Defenders of Clean Air and Water, submitted comments to CARB objecting to the LCFS amendments. Defensores has a beneficial interest in ensuring that the 2025 LCFS Amendments are consistent with the Global Warming Solutions Act, the Short-Lived Climate Pollutants Act of 2016, and the Administrative Procedure Act and will be injured if they are not.

² The San Joaquin Valley is located in the southern half of California's Central Valley and includes all of San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, and Kings Counties, and the valley portion of Kern County.

1 17. Petitioner and Plaintiff Food & Water Watch (“FWW”) is a national, nonprofit
2 membership organization that works in the public interest and mobilizes regular people to build political
3 power to move bold and uncompromised solutions to the most pressing food, water, and climate problems
4 of our time. FWW uses grassroots organizing, media outreach, public education, research, policy
5 analysis, and litigation to protect people’s health, communities, and democracy from the growing
6 destructive power of the most powerful economic interests. Reducing the water, air, and climate impacts
7 of factory farming is a priority issue for the organization and its members. FWW submitted comments to
8 CARB objecting to the 2025 LCFS Amendments. FWW has a beneficial interest in ensuring that the 2025
9 LCFS Amendments are consistent with the Global Warming Solutions Act, the Short-Lived Climate
10 Pollutants Act of 2016, and the Administrative Procedure Act and will be injured if they are not.

11 18. Petitioner and Plaintiff Animal Legal Defense Fund (“ALDF”) is a national, nonprofit
12 membership organization that works in the public interest to protect the lives and advance the interests
13 of animals through the legal system. Advocating for meaningful and effective regulation of industrial
14 animal agriculture is one of ALDF’s central goals, which it achieves through litigation and legislative
15 and regulatory advocacy. ALDF submitted comments to CARB objecting to the 2025 LCFS
16 Amendments. ALDF has a beneficial interest in ensuring that the 2025 LCFS Amendments are consistent
17 with the Global Warming Solutions Act, the Short-Lived Climate Pollutants Act of 2016, and the
18 Administrative Procedure Act and will be injured if they are not.

19 19. Petitioner and Plaintiff Center for Food Safety (“CFS”) is a national, nonprofit
20 membership organization that works in the public interest to empower people, support farmers, and
21 protect the earth from the harmful impacts of industrial agriculture, including the climate impacts of
22 industrial animal agriculture. Through groundbreaking legal, scientific, and grassroots action, CFS aims
23 to protect and promote the right to safe food and the environment. CFS submitted comments to CARB
24 objecting to the 2025 LCFS amendments. CFS has a beneficial interest in ensuring that the 2025 LCFS
25 Amendments are consistent with the Global Warming Solutions Act, the Short-Lived Climate Pollutants
26 Act of 2016, and the Administrative Procedure Act and will be injured if they are not.

27 20. Respondent and Defendant California Air Resources Board (“CARB”) is a state agency
28 established and operating under the laws of the State of California. CARB is the primary state agency

1 responsible for implementing the provisions of the Global Warming Solutions Act and the Short-Lived
2 Climate Pollutants Act of 2016, and for creating, adopting, and implementing the LCFS.

3 21. Respondent and Defendant Stephen S. Cliff is the current Executive Officer of CARB,
4 who is made a party to this action in his official capacity only. Mr. Cliff acts as the director and manager
5 of the CARB professionals and other staff personnel, who all report to him.

6 22. Petitioners are unaware of the true names of Respondents and Defendants sued herein as
7 Does 1 through 10, inclusive. Petitioners are informed and believe, and on that basis allege, that
8 Respondents and Defendants Does 1 through 10, inclusive, are individuals, entities, or agencies with
9 authority to approve and/or with an interest in the 2025 LCFS Amendments. When the true identities and
10 capacities of these Respondents and Defendants have been determined, Petitioners will, with leave of
11 Court if necessary, amend this Verified Petition for Writ of Mandate and Complaint for Declaratory and
12 Injunctive Relief to insert such identities and capacities.

13 **JURISDICTION, VENUE, AND TIMELINESS**

14 23. This Court has jurisdiction under Article VI, Section 10 of the California Constitution;
15 Code of Civil Procedure sections 1060, 1085, and 1094.5; and Government Code section 11350.

16 24. Venue is proper in this Court under Code of Civil Procedure section 401 because CARB
17 is a state agency, Mr. Cliff is a state officer, and the Attorney General of the State of California has an
18 office located in the County of Fresno.

19 25. Petitioners will comply with Code of Civil Procedure section 388 by sending a copy of
20 this Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief to the
21 Attorney General of the State of California within the required time period.

22 26. Petitioners have performed all conditions precedent to filing this action, including
23 exhausting all available administrative remedies to the extent required by law.

24 27. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law unless
25 this Court grants the requested writ of mandate and declaratory and injunctive relief. In the absence of
26 such remedies, the LCFS Amendments will remain in effect in violation of state law.

27 **GENERAL ALLEGATIONS**

28 **A. Legislative and Statutory Background**

1 ***1. Assembly Bill 32: The Global Warming Solutions Act***

2 28. In 2006, the Legislature adopted Assembly Bill 32, the Global Warming Solutions Act of
3 2006, and codified the Act as Division 25.5 of the Health & Safety Code. Health & Safety Code §§ 38500
4 *et seq.*

5 29. Part 1 of the Global Warming Solutions Act charges CARB with “monitoring and
6 regulating sources of emissions of [GHGs] that cause global warming in order to reduce emissions of
7 [GHGs].” Health & Safety Code § 38510.

8 30. Part 3 requires CARB to establish a “statewide greenhouse gas emissions limit”
9 (“statewide GHG emissions limit”) equivalent to the amount of GHG emissions in California in 1990.
10 Health & Safety Code §§ 38505(n), 38550. The Legislature directed CARB to achieve the statewide GHG
11 emissions limit by 2020. Health & Safety Code § 38550.

12 31. Part 4 directs CARB to achieve the statewide GHG emissions limit by adopting
13 regulations that achieve the maximum technologically feasible and cost-effective GHG emission
14 reductions. Health & Safety Code §§ 38560; 38560.5(c), 38562(a). Part 4 also directs CARB to prepare
15 and approve a scoping plan no later than January 1, 2009, for achieving the maximum technologically
16 feasible and cost-effective GHG reductions (“Scoping Plan”) and update it at least once every five years.
17 Health & Safety Code § 38561.

18 32. Section 38560.5 of Part 4 directs CARB to publish a list of “discrete early action
19 measures” (“Early Action Measures”) by January 1, 2007, “that can be implemented prior to the measures
20 and limits adopted pursuant to Section 38562.” Health & Safety Code § 38560.5(a).

21 33. The Legislature authorized and directed CARB to promulgate these Early Action
22 Measures before adopting regulations under section 38562, and early enough so that they would be
23 enforceable “no later than January 1, 2010.” Health & Safety Code § 38560.5(b), (d).

24 34. CARB published a list of discrete early action measures as required by section 38560.5
25 that included the LCFS as one such measure.

26 35. CARB ultimately adopted several regulations as Early Action Measures prior to 2010,
27 including the LCFS.

28 36. Section 38562 of Part 4 requires CARB to adopt regulations following the statutory

1 schedule for Early Action Measures and after promulgating the Scoping Plan. Specifically, section 38562
2 requires CARB to “adopt greenhouse gas emissions limits and emissions reduction measures by
3 regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse
4 gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, to become
5 operative beginning on January 1, 2012” (“Section 38562 Regulations”).

6 37. The Section 38562 Regulations must satisfy a variety of requirements. For example,
7 CARB must ensure they do not “disproportionately impact low-income communities[,]” and that they
8 “complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air
9 quality standards and to reduce toxic air contaminant emissions.” Health & Safety Code § 38562(b)(2),
10 (4).

11 38. Section 38562 authorizes CARB to “revise regulations adopted pursuant to this section
12 and adopt additional regulations to further the provisions of [Division 25.5].” Health & Safety Code §
13 38562(g). Section 38560.5 contains no such authorization.

14 39. Part 5 of the Global Warming Solutions Act authorizes CARB to adopt market-based
15 compliance mechanisms among its Section 38562 Regulations. Health & Safety Code § 38570(a). CARB
16 must ensure that GHG emission reductions achieved under such programs are “in addition to any [GHG]
17 emission reduction otherwise required by law or regulation, and any other [GHG] emission reduction that
18 otherwise would occur.” Health & Safety Code § 38562(d)(2).

19 40. The Act defines “market-based compliance mechanism” to mean either “a system of
20 market-based declining annual aggregate emissions limitations for sources or categories of sources that
21 emit greenhouse gases” or any GHG “emissions exchanges, banking, credits, and other transactions,
22 governed by rules and protocols established by [CARB]” Health & Safety Code § 38505(k).

23 41. All regulations adopted pursuant to Part 4 or Part 5 must ensure that “greenhouse gas
24 emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state
25 board.” Health & Safety Code § 38562(d)(1).

26 **2. Senate Bill 32**

27 42. In 2016, the Legislature adopted Senate Bill 32 (“SB 32”), codified at Health & Safety
28 Code § 38566, which amended the Global Warming Solutions Act to require CARB to achieve emissions

1 reductions at least 40 percent below the statewide GHG emissions limit by 2030.

2 43. SB 32 did not authorize CARB to revise, or promulgate anew, Early Action Measure
3 regulations.

4 **3. Assembly Bill 197**

5 44. In 2016, the Legislature adopted Assembly Bill 197 (“AB 197”), codified at Health &
6 Safety Code § 38562.5, which amended the Global Warming Solutions Act “to protect the state’s most
7 impacted and disadvantaged communities[.]”

8 45. AB 197 directed CARB to consider the social costs of GHG emissions, prioritize
9 regulations that result in direct emission reductions, and ensure compliance with Health & Safety Code
10 § 38562(b) when promulgating rules and regulations to achieve GHG emissions reductions beyond the
11 statewide GHG emissions limit.

12 **4. SB 1383: The Short-Lived Climate Pollutants Act of 2016**

13 46. In 2016, the Legislature also adopted Senate Bill 1383, the Short-Lived Climate Pollutants
14 Act, codified at Health & Safety Code §§ 39730.5, 39730.6, 39730.7, 39730.8 and Cal. Pub. Res. Code
15 §§ 42652–42656.

16 47. The Short-Lived Climate Pollutants Act directed CARB to, no later than January 1, 2018,
17 approve and implement a comprehensive strategy to reduce short-lived climate pollutants in the state,
18 including by reducing methane emissions by 40 percent below 2013 levels by 2030 (“the Strategy”).
19 Health & Safety Code § 39730.5(a).

20 48. CARB approved the Strategy in 2017. CARB must promulgate regulations to reduce
21 methane emissions from livestock and dairy manure management consistent with the Strategy.

22 49. The Short-Lived Climate Pollutants Act mandates that CARB adopt regulations to reduce
23 methane emissions from livestock and dairy manure management by up to 40 percent below the livestock
24 and dairy sectors’ 2013 levels by 2030. Health & Safety Code § 39730.7(b)(1).

25 50. The Short-Lived Climate Pollutants Act further mandates that CARB implement
26 regulations to limit methane from livestock and dairy manure management on or after January 1, 2024,
27 if CARB, in consultation with the California Department of Food and Agriculture, makes certain
28 determinations. Health & Safety Code § 39730.7(b)(4).

1 **5. *AB 1279***

2 51. In 2022, the Legislature adopted Assembly Bill 1279 (“AB 1279”), codified at Health &
3 Safety Code, § 38562.2, which further amended the Global Warming Solutions Act.

4 52. AB 1279 establishes a state policy to achieve net zero GHG emissions by 2045 and to
5 reduce GHG emissions by at least 85% below the statewide GHG emissions limit by 2045. Health &
6 Safety Code § 38562.2(c).

7 53. Assembly Bill 1279 requires CARB to update the Scoping Plan to identify and make
8 recommendations to achieve the state policy. Health & Safety Code § 38562.2(d)(1).

9 **B. Regulatory Background Prior to the 2025 LCFS Amendments**

10 ***1. CARB’s Initial Adoption and Implementation of the LCFS***

11 54. CARB adopted the LCFS regulations in 2009 as an Early Action Measure to “reduce the
12 full fuel-cycle, carbon intensity of the transportation fuel pool used in California, pursuant to the [Global
13 Warming Solutions Act].” Cal. Code Regs. § 95480.

14 55. The LCFS, as initially adopted, established carbon intensity benchmarks through 2020.
15 CARB began implementing the LCFS in 2011.

16 ***2. CARB’s 2018 LCFS Amendments: Adoption of Avoided Methane Crediting***

17 56. CARB amended the LCFS in 2018 to adopt annual carbon intensity benchmarks for the
18 years 2021–2030.

19 57. CARB also amended the LCFS to authorize “avoided methane crediting” which changed
20 the manner in which CARB determined the carbon intensity of certain methane-based fuels, including
21 factory farm biogas, codified at the previous Cal. Code Regs. § 95488.9(f)(1) & (f)(3) (2018).

22 58. Instead of the approach CARB previously took, which classified factory farm biogas as a
23 low carbon fuel but not with a negative carbon intensity, avoided methane crediting assumes that absent
24 the LCFS, factory farms are free to emit as much methane pollution from their manure management
25 operations as they please.

26 59. The avoided methane crediting policy adopted as part of the 2018 LCFS Amendments
27 would have ceased operation “in the event that any law, regulation, or legally binding mandate” to reduce
28 manure methane emissions took effect. This provision allowed a factory farm biogas operator to generate

1 LCFS credits for reductions required by law for the remainder of its current crediting period, but after
2 that the legal requirement would cut off avoided methane crediting. See Cal. Code Regs.
3 § 95488.9(f)(3)(B) (2018). This regulation provided guidance to the dairy industry as to how the LCFS
4 and regulations under the Short-Lived Climate Pollutants Act would interact.

5 **C. The 2025 LCFS Amendments**

6 60. During 2021, 2022, and 2023, CARB staff held a series of public workshops as CARB
7 developed proposed amendments to the LCFS.

8 61. On December 15, 2022, CARB approved Resolution 22-21 to adopt the 2022 Scoping
9 Plan for Achieving Carbon Neutrality (“2022 Scoping Plan Update”), in which CARB proposed various
10 strategies as required by AB 1279 that would achieve carbon neutrality by 2045 and reduce GHG
11 emissions 85% below 1990 levels by 2045.

12 62. On August 28, 2023, the Assembly Bill 32 Environmental Justice Advisory Committee
13 adopted a resolution calling on CARB to adopt the Comprehensive EJ Scenario which includes, among
14 other things, elimination of avoided methane crediting by January 1, 2024.

15 63. On September 8, 2023, CARB posted the Low Carbon Fuel Standard 2023 Amendments,
16 Standard Regulatory Impact Assessment (“SRIA”). The SRIA assesses the economic impacts of CARB’s
17 proposed amendments to the LCFS. As projected in the SRIA, the proposed amendments would
18 significantly increase gasoline prices, especially after 2030.

19 64. Increased gasoline and diesel prices result from fuel producers passing on the costs of
20 LCFS credits that they purchase to gasoline and diesel consumers.

21 65. On September 14, 2023, Professor Michael Wara of the Stanford University Climate and
22 Energy Policy Program at the Woods Institute for the Environment appeared before the Assembly Bill
23 32 Environmental Justice Advisory Committee and offered the opinion that “modeling suggests that the
24 EJ Scenario could achieve ARB goals while lowering impacts to EJ communities and potentially
25 improving climate outcomes.” Professor Wara also explained that the LCFS is a subsidy paid for by
26 California consumers, costs are passed on in the price of gasoline, and the contemplated amendments
27 would increase the pass-through cost, especially after 2030.

1 66. On December 19, 2023, CARB posted the Initial Statement of Reasons (“ISOR”) to
2 propose amendments to the LCFS. The ISOR proposed to increase the stringency of the LCFS by
3 increasing the annual carbon intensity benchmarks for the years 2025 through 2030. CARB proposed to
4 increase the stringency beginning in 2025 to increase prices for LCFS credits because the LCFS suffered
5 from a credit supply glut which depresses credit prices.

6 67. The ISOR explains the oversupply problem. Renewable diesel “has grown substantially
7 and far exceeds what was previously modeled in 2018 when the current CI benchmarks were established.”
8 Electricity and hydrogen fuels “have increased over 50% between 2019 and 2022 and are far outpacing
9 the projections staff used to establish the existing CI benchmarks during the previous 2018 rulemaking.”
10 “Biomethane supplies have also increased as more methane capture projects are developed.” “Taken
11 together, these trends suggest that the market is outpacing previous fuels and crediting projections used
12 for the 2018 LCFS benchmark modeling and that re-evaluation of near-term targets is needed to accelerate
13 action and plan beyond 2030.” To address low credit prices, the ISOR proposed to accelerate the 20%
14 benchmark for 2030 to 2025 (the “step-down”) and set a 30% benchmark by 2030, with intermediary
15 annual benchmarks for 2026-2029.

16 68. The ISOR further proposed new annual carbon intensity benchmarks from 2031 through
17 2045. CARB proposed to establish these carbon intensity benchmarks to achieve the 2045 goals set forth
18 in the 2022 Scoping Plan Update.

19 69. The ISOR describes the carbon intensity benchmark amendments as the “most significant
20 change in this proposal” to support “California’s goal for achieving carbon neutrality by 2045 and
21 achieving an 85% reduction in GHG emissions by 2045, as called for by AB 1279 and the 2022 Scoping
22 Plan Update.”

23 70. The ISOR further proposed policy to transition factory farm biogas-based fuels from use
24 as transportation fuel to use in other sectors of the economy.

25 71. The ISOR proposed to amend avoided methane crediting to create more incentives for
26 biomethane development for use in hydrogen production or non-transportation sectors of the economy.
27
28

72. The ISOR states that the LCFS is intended to decrease the carbon intensity of California’s transportation fuel pool and provide an increasing range of low-carbon and renewable alternatives, which reduce petroleum dependency and achieve air quality benefits.

73. To stimulate near-term factory farm biogas development before 2030, the ISOR proposed a limitation on “projects that break ground after December 31, 2029.” Such projects’ eligibility for avoided methane crediting phases out in 2040 for factory farm biogas used as a transportation fuel and 2045 for factory farm used in association with hydrogen production.

74. Projects that break ground on or before December 31, 2029, would be eligible for three consecutive 10-year crediting periods.

75. The ISOR did not propose changing the LCFS regulation that avoided methane crediting would no longer be available “in the event that any law, regulation, or legally binding mandate” to reduce manure methane emissions took effect.

76. The ISOR attempts to walk back the gas pass-through cost findings in the SRIA, contending that causation between LCFS credit prices and gasoline prices is uncertain. The ISOR also argues that *average* transportation costs will fall by aggregating lower electric vehicle fuel costs and higher gasoline costs to create an average cost of both fuels.

77. On August 12, 2024, CARB released the Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information (“First 15-day changes”). The First 15-day changes proposed reducing the 10-year crediting periods from three to two for projects that break ground on or before December 31, 2029. The First 15-day changes further allowed for electricity from factory farm biogas projects that break ground after December 31, 2029, to phase out five years later—2045—the same schedule as factory farm gas associated with hydrogen production. The First 15-day changes also proposed to further increase the carbon intensity benchmark for 2025 “in light of the continued growth in low-carbon fuels and in response to stakeholder feedback requesting an increase in stringency to bring deficits and credits into balance.”

78. On October 4, 2024, CARB posted the Second Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information (“Second 15-day changes”).

79. The Second 15-day changes proposed new amendments to 17 Cal. Code Regs. 95488.9(f)(3)(A) to authorize three, 10-year crediting periods with avoided methane crediting for pathways certified before the effective date of the 2025 LCFS Amendments for factory farm biogas or landfill biogas projects. Factory farm gas projects that successfully secure their LCFS pathway or break ground after the effective date of the 2025 LCFS Amendments but before January 1, 2030, are eligible for two consecutive 10-year crediting periods. The Second 15-day changes also proposed amendments to 17 Cal. Code Regs. 95488.9(f)(3)(B), allowing projects that break ground before January 1, 2030, to receive either three or two 10-year crediting periods, even if a law, regulation, or legally binding mandate requiring GHG emission reductions from manure methane emissions from livestock and dairy projects comes into effect in California during a project’s crediting period. The amendment proposed to change the existing regulation, as discussed above, which had disallowed further avoided methane crediting if a law, regulation, or other legally binding mandate takes effect.

80. On November 8, 2024, CARB held a public hearing and the Board adopted Resolution 24-14 to approve proposed amendments to the LCFS as modified by the First and Second 15-day changes.

81. On January 3, 2025, CARB submitted the final rulemaking package to the Office of Administrative Law (“OAL”).

82. On February 18, 2025, the OAL rejected the proposed amendments on several grounds, including the undefined term “break ground” in 17 Cal. Code Regs. § 95488.9(f)(3)(B) and the discretionary avoided methane crediting period reauthorization in 17 Cal. Code Regs. § 95488.9(f)(3)(A).

83. On April 4, 2025, CARB issued the Third Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information (“Third 15-day changes”). The Third 15-day changes included a definition of “break ground” and made credit period reauthorization in 17 Cal. Code Regs. § 95488.9(f)(3)(A) mandatory for projects that meet credit eligibility requirements.

84. On May 16, 2025, CARB submitted the resubmittal package to OAL for approval.

85. On June 27, 2025, the OAL approved the resubmittal package.

86. On July 1, 2025, the 2025 LCFS Amendments became effective.

87. CARB issued a Final Statement of Reasons (“FSOR”) and an Addendum to the FSOR to support its decision to adopt the 2025 LCFS Amendments.

88. The FSOR did not explain why the 2025 LCFS Amendments regarding avoided methane crediting were reasonably necessary to effectuate the purposes of the statute.

89. The 2025 LCFS Amendments adopted a revised avoided methane crediting policy as proposed in the 2nd 15-day Changes.

90. The 2025 LCFS Amendments increased the stringency of existing carbon intensity benchmarks applicable to transportation fuel producers during the years 2025, 2026, 2027, 2028, 2029, and 2030.

91. The 2025 LCFS Amendments established carbon intensity benchmarks applicable to transportation fuel producers for each year beginning in 2031 and culminating in 2045. CARB adopted the post-2030 carbon intensity benchmarks, as CARB proposed to do in the 2022 Scoping Plan Update.

92. As amended, the carbon intensity benchmark for gasoline and fuels used as a substitute for gasoline in 2025 is 76.60 gCO₂e/MJ and declines annually to 69.40 gCO₂e/MJ in 2030. 17 Cal. Code Regs. § 95484, Table 1. As amended, the carbon intensity benchmark for diesel fuel and fuels used as a substitute for diesel fuel in 2025 is 81.70 gCO₂e/MJ and declines annually to 74.03 gCO₂e/MJ in 2030. 17 Cal. Code Regs. § 95484, Table 2.

93. As amended, the carbon intensity benchmark for gasoline and fuels used as a substitute for gasoline in 2031 is 64.94 gCO₂e/MJ and declines annually to 9.91 gCO₂e/MJ in 2045. 17 Cal. Code Regs. § 95484, Table 1. As amended, the carbon intensity benchmark for diesel fuel and fuels used as a substitute for diesel fuel in 2031 is 69.27 gCO₂e/MJ and declines annually to 10.57 gCO₂e/MJ in 2045. 17 Cal. Code Regs. § 95484, Table 2.

94. The carbon intensity benchmarks amended and established by the 2025 LCFS Amendments disproportionately harm low-income communities in California as regulated parties pass through credit costs in the price of their fuel.

D. Factual Allegations

1. Factory Farming and Biogas Production Contribute to Environmental Degradation of the San Joaquin Valley

95. Factory farms harm human health and the environment. Most use rudimentary liquified manure management systems that involve flushing manure into massive pits in the ground and then

1 applying the liquified manure to crop fields. Factory farms emit large amounts of GHGs like methane as
2 a result of managing manure in this manner.

3 96. Manure can be managed in other ways that can largely avoid any methane, such as dry
4 manure handling.

5 97. Factory farms' liquified manure management also creates local air and odor pollution and
6 causes severe water contamination. Factory farms produce and dispose of such a large volume of manure
7 that over-application of nitrogen in the manure causes nitrate contamination of groundwater, which fouls
8 drinking water resources. An increased concentration of cows intensifies this pollution and groundwater
9 contamination.

10 98. In the San Joaquin Valley, dairies are the largest source of volatile organic compounds—
11 precursors to ozone formation. Manure management at factory farm operations also emits ammonia, a
12 precursor to fine particulate matter, and other air pollutants. An increased concentration of cows
13 intensifies this air pollution.

14 99. Factory farms have other significant environmental impacts, including groundwater
15 depletion in already depleted aquifers in the San Joaquin Valley.

16 100. Factory farms create objectionable conditions for neighbors, including flies and noxious
17 odors in the vicinity of the operation.

18 101. The majority of factory farms in California are located in the San Joaquin Valley.

19 102. More than 90 percent of California's dairy cows are now concentrated in the San Joaquin
20 Valley.

21 103. The vast majority of anaerobic digesters on dairies in California are located in the San
22 Joaquin Valley.

23 104. The vast majority of California dairies participating in the LCFS are located in the San
24 Joaquin Valley.

25 105. Many factory farms use anaerobic digesters to generate and capture the methane
26 emissions produced by liquified manure management systems. Once contaminants like hydrogen
27 sulfide are removed, the resulting methane gas can be used for the same purposes as fossil fuel-derived
28

methane gas, including as transportation fuel, combusted to generate electricity, or injected into a natural gas pipeline.

106. Anaerobic digestion of this manure to produce factory farm biogas does not eliminate the environmental impacts of liquified manure, including groundwater contamination. Digestate, one byproduct of factory farm gas production, is typically applied to crop fields just like undigested manure would have been.

107. Petitioners are informed and believe, and on that basis allege, that digested manure results in increased leaching to groundwater as compared with undigested manure.

108. Petitioners are informed and believe, and on that basis allege, that digested manure produces more nitrous oxide and ammonia than undigested manure.

109. As a result of avoided methane crediting, dairies receiving LCFS credits or planning to obtain LCFS credits have an incentive to expand, and many dairies that are receiving LCFS credits have expanded.

110. The growth in dairy herds and concentration of dairy cows at factory farms producing biogas in the San Joaquin Valley severely impacts communities already confronting cumulative impacts from the dual threats of environmental degradation and economic insecurity.

111. Combustion or flaring associated with methane captured at factory farms emits oxides of nitrogen (“NOx”) which acts as a precursor for ozone and fine particulate matter air pollution. The San Joaquin Valley does not meet federal and state ambient air quality standards for ozone and fine particulate matter.

2. Avoided Methane Crediting in the LCFS Impacts Dairy Herd Concentration

112. As a result of avoided methane crediting, CARB considers fuels derived from livestock manure to have a negative carbon intensity. No other fuel in the LCFS has been awarded carbon intensities as low as fuels derived from livestock manure, including biogas from other sources such as landfills.

113. As a result of the avoided methane crediting policy, factory farm biogas-based fuels generate significantly more credits per unit of fuel than any other fuel type, including, for example, solar-generated electricity.

114. Avoided methane crediting thus provides a strong incentive to factory farms nationwide to both expand their operations and increase manure generation to maximize the financial benefits created by the avoided methane crediting policy.

115. Petitioners are informed and believe, and on that basis allege, that dairy operations in the San Joaquin Valley have grown at a faster rate since CARB adopted the avoided methane crediting policy than before it adopted the policy.

116. Petitioners are informed and believe, and on that basis allege, that dairy operations with anaerobic digesters have grown at a faster rate than dairies without digesters.

117. The 2025 LCFS Amendments will result in increased installation and use of anaerobic digesters on dairies in the San Joaquin Valley to generate LCFS credits.

118. Petitioners are informed and believe, and on that basis allege, that the 2025 LCFS Amendments will result in further concentration of cows at factory farms in the San Joaquin Valley.

119. Petitioners are informed and believe, and on that basis allege, that the 2025 LCFS Amendments will result in increased liquid manure and pollution generation at factory farms in the San Joaquin Valley and across the country.

120. Petitioners are informed and believe, and on that basis allege, that the 2025 LCFS Amendments will increase methane emissions, flies, odor, NOx emissions, VOC emissions, nitrate contamination of groundwater, groundwater depletion, and ammonia emissions at factory farms generating or wishing to generate LCFS credits under the revised avoided methane crediting policy in the 2025 LCFS Amendments.

***3. Factory Farming, Subsidized Biogas Production, and Increased Gasoline Costs
Disproportionately Impact Lower Income Communities and Communities of Color***

121. Petitioners are informed and believe, and on that basis allege, that the San Joaquin Valley has a lower median income and a higher rate of poverty as compared to California as a whole.

122. Petitioners are informed and believe, and on that basis allege, that the San Joaquin Valley is disproportionately comprised of people of color generally and Latinos/as/es specifically as compared to California as a whole.

123. The vast majority of dairy cows and factory farms in California are located in the San

1 Joaquin Valley.

2 124. Petitioners are informed and believe, and on that basis allege, that counties in California
3 that are home to the majority of dairy cows and dairies participating in the LCFS program have lower
4 median incomes and higher rates of poverty as compared to California as a whole.

5 125. Petitioners are informed and believe, and on that basis allege, that anaerobic digesters on
6 dairy operations in California are disproportionately located in counties that have lower median incomes
7 and higher rates of poverty as compared to California as a whole.

8 126. Petitioners are informed and believe, and on that basis allege, that nearly all of the
9 California dairies participating in the LCFS program are located in counties that have lower median
10 incomes and higher rates of poverty as compared to California as a whole.

11 127. Petitioners are informed and believe, and on that basis allege, that communities and
12 residential developments located in close proximity to factory farms have lower median incomes and
13 higher rates of poverty as compared to California as a whole.

14 128. Petitioners are informed and believe, and on that basis allege, that dairies with anaerobic
15 digesters are located in close proximity to communities and households that have lower median incomes
16 and higher rates of poverty as compared to California as a whole.

17 129. Petitioners are informed and believe, and on that basis allege, that California dairies
18 participating in the LCFS program are located in close proximity to communities and households that
19 have lower median incomes and higher rates of poverty as compared to California as a whole.

20 130. Petitioners are informed and believe, and on that basis allege, that the projected gasoline
21 price increases will be borne disproportionately by lower income people, lower income households, and
22 lower income communities.

23 131. Petitioners are informed and believe, and on that basis allege, that lower income people
24 and households pay a higher share of income on gasoline as compared to higher income people and
25 households.

26 132. Petitioners are informed and believe, and on that basis allege, that lower income people
27 and households have less access to electric vehicles as compared to higher income people and households.
28

1 133. Petitioners are informed and believe, and on that basis allege, that lower income people
2 and households have less access to electric vehicle charging infrastructure as compared to higher income
3 people and households.

4 134. Petitioners are informed and believe, and on that basis allege, that lower income
5 communities have less access to electric vehicle charging infrastructure as compared to higher income
6 communities.

7 **PRIVATE ATTORNEY GENERAL DOCTRINE**

8 135. Petitioners bring this action as private attorneys general pursuant to California Code of
9 Civil Procedure section 1021.5, and any other applicable legal theory, to enforce important rights
10 affecting the public interest.

11 136. Issuance of the relief requested in this Verified Petition for Writ of Mandate and
12 Complaint for Declaratory and Injunctive Relief will confer significant benefits on the public by, among
13 other benefits, ensuring that CARB administers the LCFS within the bounds of its statutory authority and
14 does not act arbitrarily, capriciously, and otherwise contrary to law. Issuance of the requested relief will
15 also restore effectiveness and integrity to the LCFS, rendering it more capable of delivering the climate
16 benefits it was intended to serve. The requested relief will further ensure that CARB's administration of
17 the LCFS does not disproportionately and adversely impact low-income communities in the San Joaquin
18 Valley.

19 137. Issuance of the relief requested in this Verified Petition for Writ of Mandate and
20 Complaint for Declaratory and Injunctive Relief will result in the enforcement of important rights
21 affecting the public interest by compelling CARB's compliance with statutory mandates.

22 **FIRST CAUSE OF ACTION**

23 **(For Declaratory Judgment and Writ of Mandate Against CARB,**
24 **Failure to Comply with the Global Warming Solutions Act,**
25 **Health & Safety Code § 38562)**

26 138. Petitioners reallege and incorporate by reference the preceding paragraphs in their entirety.

27 139. Health & Safety Code § 38560.5, part of the Global Warming Solutions Act, authorizes
28 CARB to adopt Early Action Measures to achieve the statewide GHG emissions limit. The statewide

GHG emissions limit means the maximum allowable level of statewide GHG emissions in 2020, as determined by CARB.

140. Health & Safety Code § 38566 requires CARB to adopt regulations which reduce GHG emissions by at least 40 percent below the statewide GHG emissions limit by 2030.

141. Health & Safety Code § 38562.5 requires CARB to comply with Health & Safety Code § 38562(b) to protect the state's most impacted and disadvantaged communities and to achieve emissions reductions beyond the statewide GHG emissions limit. Therefore, CARB must ensure that activities undertaken to comply with the 2025 LCFS Amendments do not disproportionately impact low-income communities.

142. Health & Safety Code § 38562.2 establishes a state policy to achieve net zero GHG emissions by 2045 and to reduce GHG emissions by at least 85% below the statewide GHG emissions limit by 2045. It further requires CARB to update the scoping plan to identify and make recommendations to achieve the state policy.

143. CARB does not have statutory authority to adopt the 2025 LCFS Amendments as an Early Action Measure.

144. The LCFS is a market-based compliance mechanism as defined by Health & Safety Code § 38505(k). As amended by the 2025 LCFS Amendments, the LCFS continues to meet the definition of a market-based compliance mechanism.

145. CARB has statutory authority to adopt market-based compliance mechanisms pursuant to Health & Safety Code §§ 38562 and 38570.

146. CARB shall ensure that GHG emission reductions achieved by the 2025 LCFS Amendments are real, permanent, quantifiable, verifiable, and enforceable. Health & Safety Code § 38562(d)(1).

147. As a market-based compliance mechanism, CARB shall ensure that GHG emissions reductions achieved by the 2025 LCFS Amendments are in addition to any GHG emission reduction otherwise required by law or regulation, and any other GHG emission reduction that otherwise would occur. Health & Safety Code § 38562(d)(2).

1 148. CARB has acted outside of its statutory authority and in violation of Health & Safety Code
2 § 38562(b)(2) by failing to include any provision in the 2025 LCFS Amendments that ensure activities
3 undertaken to comply with the Amendments do not disproportionately impact low-income communities
4 in California. Resolution 24-14 does not ensure activities undertaken to comply with the Amendments do
5 not disproportionately impact low-income communities in California.

6 149. Increased harms from San Joaquin Valley dairies that obtain LCFS credits as authorized
7 by the revised avoided methane crediting policy in the 2025 LCFS amendments will disproportionately
8 impact low-income communities in the San Joaquin Valley. Increased pass-through costs in the price of
9 gasoline from the cost of LCFS credits beginning in 2025 and increasing through 2045 will
10 disproportionately impact low-income communities in California.

11 150. CARB has acted outside of its statutory authority and in violation of Health & Safety Code
12 § 38562(d)(1) by failing to include any provision in the 2025 LCFS Amendments that ensures that GHG
13 emission reductions achieved by the 2025 LCFS Amendments are real, permanent, quantifiable,
14 verifiable, and enforceable by CARB.

15 151. CARB has acted outside of its statutory authority by failing to include any provision in
16 the 2025 LCFS Amendments that ensures that GHG emissions reductions achieved by the 2025 LCFS
17 Amendments are in addition to any GHG emission reduction otherwise required by law or regulation,
18 and any other GHG emission reduction that otherwise would occur.

19 152. By amending 17 Cal. Code. Regs. § 95488.9(f)(3)(B) to authorize multiple 10-year
20 crediting periods for avoided methane emissions from livestock manure even if CARB implements
21 regulations required by Health & Safety Code § 39730.7(b), CARB has acted outside of its statutory
22 authority by expressly revising the avoided methane crediting policy to authorize LCFS crediting
23 notwithstanding methane emissions reductions required by law.

24 153. CARB adopted the revised avoided methane crediting policy at the same time it directed
25 staff to regulate methane emissions as required by Health & Safety Code § 39730.7(b). Resolution 24-14
26 adopting the 2025 LCFS Amendments directed CARB staff “prepare a plan for initiating, developing,
27 proposing, and implementing a livestock methane regulation under Health and Safety Code section
28 39730.7 (from SB 1383).”

1 154. A clear and actual controversy exists between Petitioners and CARB arising from CARB’s
2 substantial failures to comply with Health & Safety Code § 38562. Petitioners allege the 2025 LCFS
3 Amendments and Resolution 24-14 fail to ensure compliance with Health & Safety Code § 38562(b)(2),
4 (d)(1), and (d)(2). CARB disagrees with these claims.

5 155. CARB proceeds in a manner that will force Petitioners to suffer irreparable harm.
6 Petitioners are irreparably harmed by CARB’s violation of Health & Safety Code § 38562(b)(2) because
7 the 2025 LCFS Amendments do not ensure that activities undertaken pursuant to the Amendments do not
8 disproportionately impact low-income communities in California. Petitioners are irreparably harmed by
9 CARB’s violation of Health & Safety Code § 38562(d)(1) because the 2025 LCFS Amendments do not
10 include any provision that ensures GHG emission reductions achieved are real, permanent, quantifiable,
11 verifiable, and enforceable by CARB. Petitioners are irreparably harmed by CARB’s violation of Health
12 & Safety Code § 38562(d)(2) because the 2025 LCFS Amendments do not include any provision that
13 ensures GHG emissions reductions achieved by the 2025 LCFS Amendments are in addition to any GHG
14 emission reduction otherwise required by law or regulation, and any other GHG emission reduction that
15 otherwise would occur. Petitioners will be irreparably harmed by CARB’s violation of Health & Safety
16 Code § 38562(d)(2) because the 2025 LCFS Amendments include 17 Cal. Code. Regs.
17 § 95488.9(f)(3)(B), which expressly allows non-additional LCFS credits for avoided methane emissions
18 when methane emissions reductions from manure management are required by regulations adopted and
19 implemented pursuant to Health & Safety Code § 39730.7(b).

20 156. CARB has a clear, present, and ministerial duty to comply with Health & Safety Code §
21 38562(b)(2), (d)(1), and (d)(2) as alleged herein.

22 157. Petitioners have a clear, present, and beneficial right in CARB’s performance of its duty
23 under Health & Safety Code § 38562(b)(2), (d)(1), and (d)(2) as alleged herein.

24 158. Petitioners have exhausted administrative remedies by submitting written comments, and
25 appearing before the Board, to detail CARB’s failure to comply with Health & Safety Code §
26 38562(b)(2), (d)(1), and (d)(2).

159. Petitioners have no plain, speedy, or adequate remedy at law for CARB's violations of Health & Safety Code § 38562 as alleged herein. Unless the requested relief is granted, Petitioners will be irreparably harmed in ways that money and other legal remedies cannot adequately compensate.

SECOND CAUSE OF ACTION

(For Writ of Mandate Against CARB for Adopting LCFS Amendments in Violation of the APA)

160. Petitioners reallege and incorporate by reference the preceding paragraphs in their entirety.

161. The APA provides that “no regulation adopted is valid or effective unless consistent and not in conflict with the statute and reasonably necessary to effectuate the purpose of the statute.” Cal. Gov. Code § 11342.2.

162. CARB is required to achieve economy-wide GHG reductions under the Global Warming Solutions Act and SB 32.

163. The LCFS requires regulated parties (*i.e.*, transportation fuel producers and importers) to meet declining annual benchmarks based on carbon intensity, which is lower than the carbon intensity value of fossil fuels such as gasoline and diesel. The difference between the carbon intensity benchmark and the carbon intensity of a regulated party's fuel is that party's deficit, or "compliance obligation."

164. A regulated party with a deficit achieves compliance when it uses LCFS credits to match its deficit.

165. One LCFS credit represents the reduction of one metric ton of carbon dioxide equivalent emissions.

166. By using, or “retiring,” an LCFS credit, the regulated entity is transferring any emissions reduction represented by the credit from the credit generator to the regulated entity to meet its compliance obligation.

167. When livestock or dairy facilities capture methane emitted by their manure management operations under an LCFS certified pathway, CARB’s avoided methane crediting policy acts as an offset. This results in deeply negative carbon intensity values and LCFS credits that represent the act of capturing methane in one metric ton of carbon dioxide equivalent increments.

1 168. Avoided methane crediting, and the resulting negative carbon intensity values, increases
2 the number of LCFS credits generated per unit of transportation fuel provided.

3 169. Because a factory farm biogas operation sells LCFS credits that represent its methane
4 capture, that mitigation action itself has been sold as an environmental attribute which the purchasing
5 party will use to meet its compliance obligation.

6 170. Methane molecules can only be captured once from the same emission source, such as a
7 dairy's manure storage structure.

8 171. Yet, CARB double-counts, and intends to continue to double-count, methane capture at
9 California dairy operations by allowing the claimed emissions reductions from avoided methane
10 crediting to be used as LCFS credits in the transportation sector by regulated parties to meet their
11 compliance obligations while simultaneously counting the same methane reductions represented by the
12 LCFS credits as counting towards the dairy and livestock sectors' required methane reductions under
13 Health and Safety Code § 39730.7(b)(1).

14 172. CARB has acted arbitrarily, capriciously, and/or in violation of its legal duties by
15 adopting the 2025 LCFS Amendments, including the revised avoided methane crediting policy, despite
16 a statutory requirement to reduce the same in the Short-Lived Climate Pollutants Act of 2016. This
17 results in double counting and claimed emissions reductions that are not real.

18 173. CARB has acted in violation of the APA by adopting the 2025 LCFS Amendments
19 because there is no substantial evidence in the record that retaining avoided methane crediting in the
20 LCFS despite a statutory requirement to reduce the same in the Short-Lived Climate Pollutants Act of
21 2016 is reasonably necessary to effectuate the purposes of SB 32, the LCFS regulations, and/or the
22 Short-Lived Climate Pollutants Act of 2016.

23 174. CARB adopted amendments to 17 Cal. Code. Regs. § 95488.9(f)(3)(B) arbitrarily,
24 capriciously, and in contravention of law by authorizing LCFS credit generation through avoided
25 methane crediting while simultaneously counting the same reductions to satisfy the reductions required
26 by Health & Safety Code § 39730.7(b).

27 175. Therefore, CARB failed to comply with the requirements of the APA. Petitioners are
28 irreparably injured by CARB's noncompliance with the APA.

176. Petitioners have no plain, speedy, or adequate remedy at law for CARB's violations of the APA as alleged herein. Unless the requested relief is granted, Petitioners will be irreparably harmed in ways that money and other legal remedies cannot adequately compensate.

THIRD CAUSE OF ACTION

(Declaratory Relief Against CARB for Violations of the APA)

177. Petitioners reallege and incorporate by reference the preceding paragraphs in their entirety.

178. The APA allows a court to declare a regulation invalid if an agency’s determination that a regulation “is reasonably necessary to effectuate the purpose of the statute, court decision, or other provision of law that is being implemented, interpreted, or made specific by the regulation is not supported by substantial evidence.” Cal. Gov. Code § 11350(b)(1); Cal. Code of Civil Procedure § 1060.

179. CARB has violated the APA by promulgating the LCFS Amendments without substantial evidence that the amendments to 17 Cal. Code. Regs. § 95488.9(f)(3)(B), providing for double counting of methane mitigation, are reasonably necessary to effectuate the purposes of AB 32, SB 32, the LCFS regulations, and the Short-Lived Climate Pollutants Act.

180. A clear and actual controversy exists between Petitioners and CARB arising from CARB's noncompliance with the APA. Petitioners allege that CARB's determination that it may double-count emissions reductions is unnecessary and detrimental to achieving the purposes of SB 32 and the Short-Lived Climate Pollutant Act, is arbitrary and capricious, and is not supported by substantial evidence. CARB disagrees with these claims.

181. Petitioners are informed and believe, and on that basis allege, that CARB denies Petitioners' contentions and deny CARB has acted in contravention of the law in any respect.

182. Therefore, to remedy these violations of law, Petitioners request a declaration of CARB's duties under the California APA, and a declaration that CARB has not complied with the California APA. Such a declaration is a necessary and proper exercise of this Court's power under section 1060 of the Code of Civil Procedure and under section 11350 of the Government Code.

FOURTH CAUSE OF ACTION

**(Writ of Mandate Against CARB for Violations of AB 197, Health
& Safety Code § 38562.5)**

183. Petitioners reallege and incorporate by reference the preceding paragraphs in their entirety.

184. AB 197 mandates that any rules or regulations adopted to achieve emissions reductions beyond the statewide greenhouse gas limit of 1990 levels by 2020 “shall follow the requirements in subdivision (b) of Section 38562, consider the social costs of emissions of greenhouse gases, and prioritize [direct emission reductions].” Health & Safety Code § 38562.5.

185. Subdivision (b) of section 38562 provides a list of 9 requirements mandated by AB 197, including ensuring “that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.” Health & Safety Code § 38562(b)(2).

186. CARB has not followed the requirements of Health & Safety Code § 38562(b) in adopting the LCFS Amendments.

187. CARB has a clear, present, and ministerial duty to comply with AB 197 and Health & Safety Code § 38562(b).

188. Petitioners have a clear, present, and beneficial right in CARB’s performance of its duty under AB 197 and Health & Safety Code § 38562(b).

189. Petitioners have exhausted administrative remedies by submitting written comments, and appearing before the Board, to detail CARB’s failures as alleged herein.

190. Petitioners have no plain, speedy, or adequate remedy at law for CARB’s violations of Health & Safety Code § 38562 as alleged herein. Unless the requested relief is granted, Petitioners will be irreparably harmed in ways that money and other legal remedies cannot adequately compensate.

PRAYER FOR RELIEF

Petitioners reallege and incorporate by reference the preceding paragraphs in their entirety.

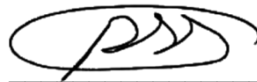
WHEREFORE, Petitioners respectfully request of this Court:

A. For alternative and peremptory writs of mandate directing CARB to set aside its approval of the legally deficient provisions of the 2025 LCFS Amendments and Resolution 24-14;

- 1 B. For alternative and peremptory writs of mandate directing CARB to comply with the Global
2 Warming Solutions Act, and the APA, and to take any other action as required by law;
3 C. For a temporary stay, temporary restraining order, and preliminary and permanent
4 injunctions restraining CARB and its agents, servants, and employees, and all others acting
5 in concert with CARB on its behalf, from taking any action to implement the legally
6 deficient provisions of the 2025 LCFS Amendments and Resolution 24-14;
7 D. For a judicial declaration that CARB's adoption of the legally deficient provisions of the
8 2025 LCFS Amendments and Resolution 24-14 are invalid due to CARB's failure to comply
9 with applicable law;
10 E. For a judicial declaration of the parties' respective rights and duties;
11 F. For costs of the suit;
12 G. For attorney's fees as authorized by Code of Civil Procedure § 1021.5 and/or other
13 provisions of law; and
14 H. For any other relief that the Court deems just and proper.

15
16 Dated: July 25, 2025

Respectfully submitted,

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18
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20 _____
Phoebe S. Seaton
Michael Claiborne
Jamie Barclay Zweifler-Katz
22 **LEADERSHIP COUNSEL FOR JUSTICE & ACCOUNTABILITY**

23
24 

25 _____
Brent Newell
26 **LAW OFFICE OF BRENT J. NEWELL**

27 *Attorneys for Petitioner and Plaintiff Defensores del Valle Central*
28 *para el Aire y Agua Limpio*

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Tyler A. Lobdell
FOOD & WATER WATCH

*Attorney for Petitioners and Plaintiffs Food & Water Watch and
Center for Food Safety*



Christine Ball-Blakely
Christian Suarez
ANIMAL LEGAL DEFENSE FUND

Attorneys for Petitioner and Plaintiff Animal Legal Defense Fund

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I am the Litigation Fellow of the Animal Legal Defense Fund, one of the Petitioners and Plaintiffs in this action, and am authorized to execute this verification on Petitioners and Plaintiffs' behalf. I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and know its contents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Christian Suarez

Verification