



Attorney General Jon Bruning

NEWS RELEASE

FOR IMMEDIATE RELEASE
April 21, 2014

Contact: Shannon Kingery
402.471.2067
shannon.kingery@nebraska.gov

Bruning Files Brief to Protect Nebraska Corn and Ethanol Producers from Unconstitutional Regulation

LINCOLN - Attorney General Bruning today announced Nebraska and 20 other states filed a brief in the United States Supreme Court requesting review of a lower court decision in the challenge to California's Low Carbon Fuel Standard (LCFS).

"This unconstitutional regulation directly threatens \$1.3 billion in ethanol sales from Nebraska alone, and untold billions across the Midwest," said Bruning. "We will continue to fight for Nebraska corn and ethanol producers."

In 2011, the Eastern District of California found the regulation violated the dormant commerce clause of the U.S. Constitution by discriminating against out-of-state ethanol.

California appealed the district court's decision to the U.S. Ninth Circuit of Appeals. In March 2012, Nebraska filed a support brief for the plaintiff's in that challenge. In September 2013, the district ruling was reversed at the U.S. Ninth Circuit Court of Appeals by a split-panel decision.

California's LSFS mandates annual reductions in the "carbon intensity" for gasoline and other transportation fuels sold in California. The regulation assigns higher carbon intensity scores to corn ethanol produced in Nebraska and other Midwestern states compared to identical ethanol produced in California.

A copy of the filing can be found [here](#).