# CA SB 253 Scope 3 Provision: PARTIAL — 2027 CARB Schedule vs. Ninth Circuit Severability Posture

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**Rule:** California SB 253 Scope 3 Value-Chain Emissions Mandate (Cal. Health & Safety Code § 38532) | **Status:** PARTIAL | **Instrument:** Cal. Health & Safety Code § 38532 & 9th Cir. No. 25-5327 (Jan 9, 2026 Oral Argument) | **Date:** January 9, 2026 (Oral Arg.) / 2027 Target

**Verdict & Proof:** SB 253's Scope 3 provision is PARTIAL / CONTESTED. While the Ninth Circuit declined to enjoin SB 253 as a whole (leaving Scope 1+2 LIVE for Nov 10, 2026), the January 9, 2026 appellate panel heavily questioned Scope 3 compelled-speech constitutionality and severability, and CARB has not finalized 2027 Scope 3 rules.




| SB 253 Component | 2026 Legal Status | Deadlines & Court Posture |
|---|---|---|
| Scope 1 + Scope 2 | LIVE | Nov 10, 2026 initial filing (no 2026 assurance) |
| Scope 3 (Value Chain) | PARTIAL / CONTESTED | 2027 CARB target; 9th Cir. First Amendment & severability pending |
| Companion SB 261 | ENJOINED | Enjoined Nov 18, 2025 by 9th Cir. No. 25-5327 |

## Exact Ninth Circuit Posture & Severability Split

SB 253 cannot be described as uniformly live or dead. While the Ninth Circuit denied a preliminary injunction against SB 253 in November 2025—allowing CARB's Scope 1+2 reporting deadline of November 10, 2026 to proceed—the appellate panel at the January 9, 2026 oral argument (Chamber of Commerce v. CARB / Sanchez, No. 25-5327) focused sharply on whether Scope 3 value-chain disclosures constitute unconstitutional compelled speech and whether Scope 3 is severable from Scope 1+2.

At the agency level, CARB has scheduled mandatory Scope 3 reporting for 2027 and floated narrowing initial categories (such as purchased goods, waste, and business travel), but those implementing rules remain in rulemaking and subject to the pending Ninth Circuit merits decision.

## What WA Space Suppliers Actually Face

Even while SB 253 Scope 3 sits in 2027 rulemaking and appellate litigation, California-nexus primes preparing their own 2026–2027 inventories still send voluntary or contractual carbon-data surveys to Washington suppliers. Distinguish a customer's commercial request from an active state statutory mandate.

## Verified Primary Sources & Internal Bridges

• U.S. Court of Appeals for the Ninth Circuit: https://www.ca9.uscourts.gov/

• CARB Climate Disclosure Program (WAF 403 to bots; browser-verified): https://ww2.arb.ca.gov/our-work/programs/california-corporate-greenhouse-gas-reporting-and-climate-related-financial-risk