

Jonathan Brightbill Featured on Regulatory Transparency Project Podcast

JUNE 23, 2021

Winston & Strawn Partner Jonathan Brightbill participated on the Regulatory Transparency Project's podcast episode "Federalism or a Federal Standard? Fuel Economy and Greenhouse Gas Emissions Standard" on June 23, 2021.

This episode focused on the Biden Administration's proposals to rescind two actions of the Trump Administration—the EPA's withdrawal of a Clean Air Act waiver of preemption, and a Department of Transportation preemption regulation. Jonathan was joined by a panel of lawyers involved in the litigation to discuss the legal and policy issues presented by these proposals.

The Regulatory Transparency Project is a nonprofit, nonpartisan effort dedicated to fostering discussion and a better understanding of regulatory policies.

For more information and to access the podcast episode, [click here](#).

Key Takeaways

- Under the new administration, National Highway Traffic Safety Administration (NHTSA) and Environmental Protection Agency (EPA) will reconsider regulatory actions that reserved to the federal government alone the authority to set greenhouse gas emission standards and fuel economy for automobiles.
- Legal uncertainty about state authority to establish such regulatory standards will nevertheless continue.
- Questions exist about the legal sufficiency of NHTSA and EPA proposals to reconsider its prior actions on greenhouse gas emissions, including Constitutional questions about Congress's authority to grant special regulatory authority to individual states.
- For now, expect a return to a regulatory regime featuring a standard jointly negotiated by EPA, NHTSA, and the California Air Resources Board.

1 Min Read

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