

Litigation Update: *Ohio v. Environmental Protection Agency*

JANUARY 24, 2023

On January 24, Winston & Strawn Partner Jonathan Brightbill spoke on a panel titled “Litigation Update: *Ohio v. Environmental Protection Agency*.” The panel discussed litigation in the United States Court of Appeals for the D.C. Circuit challenging EPA’s grant of a preemption waiver for California automobile emission standards under the Clean Air Act. The discussion was hosted by The Federalist Society Regulatory Transparency Project.

Panelists discussed the EPA’s justification for reinstating the preemption waiver for California’s greenhouse gas standards and Zero Emission Vehicle sales mandate, as well as the arguments by industry and state petitioners. Panelists also explored how the Supreme Court’s “major questions doctrine” and novel arguments regarding the Constitution’s equal-sovereignty principle may impact the case.

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