

## Jonathan Brightbill Discusses California Clean Air Act Waiver in *ClimateWire*

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Winston & Strawn Partner Jonathan Brightbill was quoted in an article by *ClimateWire* where he discussed the Clean Air Act waiver granted to California by the EPA, allowing the state to set its own pollution requirements stricter than those imposed by the federal government. The U.S. Court of Appeals for the District of Columbia Circuit is scheduled to hear oral arguments in September following challenges by 17 Republican-led states arguing that EPA violated the Constitution and states' sovereign rights by granting the waiver.

"A colleague often refers to these types of issues as SCOTUS bait," Jonathan said during a recent Federalist Society webinar. He continued by stating that the state sovereignty discussion could be the vehicle that grabs the high court's interest, which rejects most cases that come its way.

"In the wake of their success in the Supreme Court in *West Virginia* and the recognition of the long-simmering, but now recognized, major questions doctrine, the collection of states has returned to see if they can make more law to further restrain the administrative state," he said.

[Read the full article.](#)

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Jonathan D. Brightbill