

EPA Faces Difficult Road in Clean Air Act Fight With California

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Last week, the U.S. Environmental Protection Agency released its “[One National Program Rule](#),” revoking a 2013 Clean Air Act waiver issued to California which allowed it to set its own greenhouse gas emissions standards.

The EPA now says it rescinded the waiver because California did not meet the qualifications standards and the programs interfered with the U.S. Department of Transportation’s sole authority to set fuel economy standards.

In response, California and 22 other states launched a legal challenge of the rule in federal court, arguing California is well within its rights to maintain its emissions standards.

Speaking to Law360, [partner Joshua Margolin](#) explained that while the Clean Air Act allows the EPA to grant waivers, there is no language about whether or how the agency may revoke a waiver.

"If [waiver revocation] can't be read into the Clean Air Act, can the administration do this out of its plain old, inherent authority to execute the laws? That really takes you back to the question of, What's the law? And the law does not permit just a willy-nilly cancellation of the waiver...They're kind of filling a gap here that they don't have the right to fill," Margolin said.

Read the [full piece in Law360](#).

More About Margolin’s Practice

Joshua Margolin is a veteran commercial litigator. His significant public interest work includes representing a solar energy provider before the Utah Public Service Commission to determine the value of solar energy in the state’s net metering program, as well as litigation against Rocky Mountain Power in its attempt to end net metering in Utah.

Learn more about [his work and experience here](#).

Attorney

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