

Here Are the Challenges Ahead for California's Ban on Gas Cars

Media Mentions

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Bracewell's **Scott Segal** talked with *The New York Times* about California's goal to ban sales of new internal-combustion engine vehicles by 2035.

"It's a hell of a way to set transportation policy," said Segal. "This is obviously a very tight schedule that California envisions as a standard for the sale of new automobiles. It has pretty significant consequences for consumers and the supply chain."

Under the Clean Air Act, California is allowed to set stricter rules on vehicle emissions than the federal government. California can enforce its rule once it receives an official waiver from the Environmental Protection Agency, which it is likely to grant to enforce the new rules.

Segal added that legal challenges to that waiver are sure to follow. If successful, those challenges could bolster the arguments of attorneys general from Republican states who have filed a separate, broader lawsuit opposing California's decades-long ability to set its own pollution rules.

He explained that opponents of California's new rule could have a compelling case to challenge an EPA waiver. That is because obtaining a waiver is rooted in the argument that California faces unique environmental consequences from smog and other traditional pollutants not found elsewhere. Yet state leaders have explicitly said the car mandate is about tackling the greenhouse gas emissions that cause climate change — yet climate change is not unique to California.

"The problem with premising the policy on climate change is that California faces the same consequences from climate change as Texas or West Virginia," Segal said.

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