

States Launch Novel Lawsuit Over CRA Attack on California Vehicle Waivers

Media Mentions

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Nearly a dozen states in a novel lawsuit are detailing multiple constitutional and statutory claims that EPA and other federal officials wrongly rescinded preemption waivers for three California vehicle emissions rules via the Congressional Review Act (CRA).

The case appears to be first time that courts have been asked to address whether the federal government improperly applied the CRA to a federal action not covered by the law. The CRA allows for simple majority Senate votes to undo certain federal rules.

While the CRA includes language barring judicial review of CRA resolutions, backers of California's programs have argued that this prohibition should not apply in cases where the CRA has been improperly used to target non-rules, or to target rules of "particular applicability" that the CRA explicitly excludes from its coverage.

But critics of the California programs have doubted the ability of California and aligned states to undo the CRA measures in court. "A CRA petition is actually a full-blown act of Congress. Passed by both houses. And subsequently signed by the president," Bracewell's **Scott Segal** told *Inside EPA*.

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