

MEDIA MENTION

David Weinberg Comments on Health Care Ruling Impacting Clean Air Act Litigation

E&E Reporter

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David Weinberg, chair of the Environment & Safety Practice, spoke yesterday on a conference call scheduled by the Environmental Law Institute to give a practitioner's view of the impact of the recent Supreme Court health care decision on environmental law. *E&E Reporter* covered the event, where Mr. Weinberg noted that lawyers representing Texas had become the first legal opponents of the Environmental Protection Agency (EPA) to argue that the U.S. Supreme Court's ruling could have an impact on the implementation of the Clean Air Act.

Mr. Weinberg placed into context a letter that, as *E&E* put it, "lawyers for Texas wrote a letter to judges on the U.S. Court of Appeals for the District of Columbia Circuit in which they asked the court to take account of the ruling in ongoing litigation over EPA's move to take over the state's greenhouse gas permitting authority." The Texas lawyers are focusing on the Court's ruling that the federal government cannot take away all of a state's Medicaid funding if it declines to implement new provisions.

Mr. Weinberg is quoted in the article to the effect that he envisions "lots of briefing on this issue" as the dust continues to settle on the Supreme Court ruling. In his remarks, Mr. Weinberg pointed to implementation of the Clean Air Act as the most likely area for these arguments to be raised.

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