WASHINGTON, D.C. — American Fuel & Petrochemical Manufacturers (AFPM) President and CEO Chet Thompson today issued the following statement on the decision by the Supreme Court of the United States (SCOTUS) to grant our petition for a writ of certiorari regarding our standing to challenge California's electric vehicle (EV) mandate:

> "We are very pleased that the United States Supreme Court has agreed to grant cert on this very important case. The drastic impacts of California's EV mandates on consumers, national security and electricity reliability are major questions in need of immediate resolution as California and the U.S. EPA continue to stretch and abuse the limits of Congress' Clean Air Act waiver provision. Congress did not give California special authority to regulate greenhouse gases, mandate electric vehicles or ban new gas car sales—all of which the state is attempting to do through its intentional misreading of statute. We look forward to our day in court." **– Chet Thompson, AFPM President and CEO**

The Supreme Court granted a writ of certiorari in the case of *Diamond Alternative Energy, LLC v. EPA, et. al* on the question of fuel manufacturers' standing related to the redressability of their injuries. They have not weighed in on the second question (the merits of the case).

Background:

In June, AFPM and a coalition of 15 energy, agriculture and biofuel groups filed a petition for a writ of certiorari (cert petition) with the Supreme Court challenging EPA's decision to grant a waiver to the state of California for its 2021-2025 Advanced Clean Cars I (ACCI) electric vehicle sales mandate, a policy interfering with the vehicle choices available to nearly 35% of Americans directly, and many more indirectly.

The cert petition asked SCOTUS to do two things:

1. Review and overturn an April ruling from the D.C. Circuit, which determined energy petitioners lacked standing, based on redressability, to challenge EPA's issuance of a federal waiver allowing California to impose its Advanced Clean Cars I (ACCI) EV mandate. In dismissing the petitioners, the DC Circuit failed to consider any merits and statutory questions raised in the petitioners' case.
2. Proceed straight to the merits of the case to clarify that the "California waiver" in the Clean Air Act does not empower any one state to regulate vehicle greenhouse gas emissions, impose electric vehicle mandates or limit consumer access to internal combustion engine technology.

Fast facts:

- California adopted its Advanced Clean Cars I (ACCI) regulation in 2012. The policy covers model year vehicles 2018 through 2025, setting annual minimum percentages of "zero emission" vehicles that auto manufacturers must supply for sale to California and the other Section 177

states.

Model Year	Credit Percentage Requirement
2018	4.5%
2019	7.0%
2020	9.5%
2021	12.0%
2022	14.5%
2023	17.0%
2024	19.5%
2025	22.0%

- California's Advanced Clean Cars II (ACCII) regulation, finalized in 2022, is set to phase in over model years 2026 to 2035. By 2035, it would require 100% of new vehicle sales in-state to be "zero emission." No gas, diesel or traditional hybrid passenger cars and trucks meet California's definition of "zero emission." And only a small percentage (a maximum of 20%) of plug-in hybrid cars and trucks will be able to be sold.
- There are roughly a dozen states, representing nearly 35% of the U.S. population, that have indicated they will follow all or part of California's ACCII ban.
    - None of these states are on track to meet ACCII's 2026 target (35% combined EV and PHEV sales) and most are lagging ACCI's targets, per Q2 2024 sales data from the Alliance for Automotive Innovation:
        1. California (26.72%)
        2. Colorado (19.43%)
        3. District of Columbia (19.35%)
        4. Washington (17.87%)
        5. Oregon (15.97%)
        6. New Jersey (13.25%)
        7. Vermont (11.93%)
        8. Massachusetts (11.57%)
        9. Maryland (11.31%)
        10. New York (9.67%)
        11. Rhode Island (8.04%)
        12. Delaware (7.56%)
        13. New Mexico (4.78%)

Print as PDF:

Media Contact:

Ericka Perryman

media@afpm.org

202.457.0480

About AFPM:

The American Fuel & Petrochemical Manufacturers (AFPM) is the leading trade association representing the makers of the fuels that keep us moving, the petrochemicals that are the essential building blocks for modern life, and the midstream companies that get our feedstocks and products where they need to go. We make the products that make life better, safer and more sustainable — we make progress.

Topics

Fuel Policy