Congress has an opportunity to overturn EPA's December 2024 decision allowing California to ban sales of new gas, diesel and traditional hybrid vehicles. Why should elected officials support the CRA?

California's ban doesn't just impact California. It will impact the whole country, even states that have taken measures against California's vehicle policies.

- Nearly 20 states follow all or parts of California's vehicle laws, and **a dozen states, representing 35% of the U.S. population will follow California's ban.** This means millions of Americans will lose vehicle choice if the previous EPA's waiver stands.
- Because of California's outsized market influence, its ban will affect the price and availability of vehicles everywhere and threaten U.S. manufacturing jobs. Even states like OH, KS, KY, LA, ME, NC, CT and VA that have taken measures to avoid California's ban will be impacted.

California does not have authority to ban sales of new gas cars. The Biden administration side-stepped Congress by authorizing California's ban.

- Under the CAA, the U.S. EPA is responsible for regulating vehicle emissions. California may seek "waivers" for its own emissions laws meant to address local pollution, but the state is not empowered to ban or limit consumer access to vehicles. Doing so constitutes a major policy question only Congress can resolve.
- EPA does not have authority to ban sales of new gas cars or mandate only "zero emission vehicle" (ZEV) sales. If EPA imposed California's policy nationwide, it would be struck down.

EPA's December ruling is CRA-eligible, and supporting a CRA is common sense.

- CRAs exist to allow Congress to review important agency actions that will have national impacts.
    - EPA's ruling to green light California's ban satisfies the CRA criteria for rules of "general applicability." California's policy provides all 50 states an alternative to federal vehicle emissions standards and EPA has long acknowledged the "nationwide scope or effect" of California waivers.
- Americans do not want sales of new gas and diesel vehicles banned, and they don't want California dictating what choices they have and prices they pay for fuels and vehicles.
    - WPA Intelligence: 70% of likely voters in 2024 opposed government regulations aimed at banning the sale of gas-powered cars. Just 18% supported such policies.
- A CRA overturning approval of California's ban doesn't put any barriers in the way of consumers who want to purchase EVs. EVs will still be able to compete and grow in popularity.

Read more on the CRA and California's Advanced Clean Cars II here.

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About AFPM:

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