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California Mandates

The clock is winding down to overturn California's anti-consumer mandates

Last year, Congress rejected California's ban on new gasoline powered cars, Advanced Clean Cars II (ACC II), as well as other programs the state was using to force electrification of heavy-duty engines and trucks. But California is still attempting to force the electrification of vehicles, ships, ports and small off-road engines, just through different regulatory pathways.

Congress must act now to pass six new CRA resolutions, overturning all remaining California waivers. If not overturned, the existence of any of these waivers will enable California to continue its assault on consumer choice and nationwide affordability. Any vehicle waivers that remain in place will be used by California to further its electrification mandates. And the existence of maritime waivers could spur identical overreach by other coastal states, where U.S. energy security is most at risk.

It's time for Congress to finish the job

EPA recently sent six California Clean Air Act waivers to Congress for CRA review:

1. Advanced Clean Cars I (ACC I) waiver rule
2. Biden Administration reinstatement of ACC I waiver rule
3. Greenhouse Gas (GHG) Emissions Standards waiver rule
4. Small Off-Road Engine (SORE) waiver rule
5. Ocean-Going Vessels at Berth (CARB at Berth) waiver rule
6. Commercial Harbor Craft (CHC) waiver rule

About the California regulations

Advanced Clean Cars I (ACC I) Waiver

EPA granted California a waiver for its ACC I program in 2013,[1] allowing the state to implement a vehicle emissions program that combined GHG emissions standards, low-emission vehicle (LEV) requirements,[2] and a 16% zero-emission vehicle (ZEV) mandate by 2025, nearly double today's U.S. EV sales. Following Congress's decision to overturn California's even more aggressive gas car ban (ACC II) last year, California is attempting to use its ACC I waiver[3] to continue restricting consumer choice.

2009 Greenhouse Gas (GHG)

This 2009 waiver from EPA unlawfully authorized California to impose unprecedented GHG emissions standards on new cars and trucks.[4] The fact that this waiver remains on the books will allow California to cite it as authority for future vehicle bans and mandates since GHG regulations are easily exploitable as a mechanism to force electrification.[5]

Small Off-Road Engines (SORE)

EPA granted California authorization to effectively phase out the sale of new gasoline-powered lawn mowers, leaf blowers, portable generators, and other off-road equipment.[6] California's own analysis projects this zero-emission mandate would potentially double the cost of consumer equipment compared to gasoline-powered alternatives.[7]

Ocean-Going Vessels at Berth (CARB at Berth)

The Biden administration finalized a waiver rule allowing California to require certain ocean-going vessels (container ships, cruise ships, roll-on/roll-off vessels and tankers) to switch to electrical power or other approved emissions-control technologies while docked at port. Qualifying emissions-control technology is not yet commercially available for the overwhelming majority of vessels carrying growing volumes of crude oil[8] and refined petroleum products[9] into California. As a result, companies seeking to comply with this technology-constrained regulation are being hit with substantial penalties, increasing the cost of importing essential energy products into the West Coast. Additionally, ports currently lack sufficient electrical capacity to accommodate all docked vessels, and since roughly 40% of all U.S. container shipments[10] go through California's ports, higher port operating costs and transportation supply chain costs stemming from this regulation will be felt by consumers around the country.

Commercial Harbor Craft (CHC) Rule

In issuing a waiver for California's Commercial Harbor Craft (CHC) regulations, the Biden EPA authorized California to (1) force a transition to low- and zero-emission technologies for smaller vessels including tugboats, ferries, pilot vessels, fishing vessels and other commercial craft operating in California ports and coastal waters; and (2) require facility owners and operators along California ports to provide on-shore electrical capacity for these regulated vessels even though there is no existing equipment or technology approved by the maritime industry to safely supply shore power to petrochemical tank barges or tugs operating in all regulated areas. Vessel owners must pay to upgrade, repower or replace older diesel engines, outside of normal investment cycles, and/or switch to using more expensive alternatives to petroleum diesel fuel. Increased transportation costs, as a result of compliance, would affect the entire maritime supply chain and be passed down to American consumers.

[1] California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's Advanced Clean Car Program and a Within the Scope Confirmation for California's Zero Emission Vehicle Amendments for 2017 and Earlier Model Years, 78 Fed. Reg. 2,112 (Jan. 9, 2013).

[2] The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program, 84 Fed. Reg. 51,310 (Sept. 27, 2019).

[3] After it was rescinded in the first Trump administration, the waiver enabling ACCI was re-issued by the Biden EPA in 2022.

[4] California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles, 74 Fed. Reg. 32,744 (July 8, 2009).

[5] See EPA's tailpipe emissions standards finalized in 2024 which sought to use an 85 g/mi GHG average requirement to compel the vehicle fleet to become majority electric.

[6] California State Nonroad Engine Pollution Control Standards; Small Off- Road Engines Regulations; Notice of Decision, 90 Fed. Reg. 640 (Jan. 6, 2025).

[7] Id.

[8] California Energy Commission; Annual Oil Supply Sources to California Refineries (Aug. 4, 2026).

[9] Oil Price Information Service; As Reliance on Imported Gasoline Rises, CA Adapts to a 'New World'; (NOV. 4, 2025).

[10] California Association of Port Authorities (CAPA); About CAPA (Aug. 4, 2026).

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