

Lawmakers Urge President Biden to Deny “California Car Mandate”

EMA- Recently, 158 lawmakers sent a letter to the President urging him to reject California’s forthcoming request for a waiver that would require 35 percent of all new light-duty vehicle sales to be electrified by 2026, followed by a 100 percent requirement by 2035. This means that by 2035, automakers would be prohibited from selling new vehicles that contain conventional internal combustion engines (ICEs). For this ban to go into effect, California will need to obtain from the U.S. EPA a waiver of Clean Air Act (CAA) preemption provisions. They urged the president to reject California’s forthcoming request for the CAA waiver due to widespread concerns for the negative impact it will have on the electric grid, the need for additional power generation, the overreliance on foreign adversaries for critical minerals, and the right of Americans to choose for themselves which vehicles they wish to drive.

Every American will be impacted by this ban, whether they are in one of the 15 states that copies California vehicle laws or whether they are a consumer looking to buy an affordable new pickup truck in the next few years. California needs a waiver from EPA to enact this regulation and ban gasoline and diesel vehicle sales. EPA needs to deny this waiver.

If California’s ban moves forward, it will:

- Outlaw the sale of new clean internal combustion engine vehicles (even hybrids) in up to 15 states and the District of Columbia
- Raise the price and reduce the availability of gasoline and diesel cars in other states
- Increase Americans’ utility bills to subsidize a massive expansion of the electricity grid for EV charging
- Threaten the viability and jobs of small business energy marketers around the country, whether they deliver gasoline and diesel or renewable fuels like ethanol, biodiesel and renewable diesel.

Court Action to Stop the “California Car Mandate”

EMA has been actively engaged in the fight against banning gasoline powered vehicles since California Governor Gavin Newsom authorized the ban in a 2020 executive order. On May 13, 2022, EMA filed a petition with a federal Court of Appeals in Washington, D.C., asking the court to review the Biden Administration’s restoration of the Clean Air Act waiver allowing California to set its own air standards. That waiver was revoked by the Trump administration in 2019. The EMA petition was filed to challenge the restoration of the waiver on various grounds, including that California does not require the more stringent standards to meet any extraordinary or compelling conditions that are unique to California as the Clean Air Act requires. If the court overturns the waiver as requested by EMA, California is likely to lose the authority it claims to ban gasoline powered vehicles in the State. If that happens, any state attempting to adopt the California ban will lose their authority to act as well.

Separate from the current court action, EMA opposes California's waiver request for gasoline-powered vehicle ban. If EPA does not have the authority under the Clean Air Act to ban gasoline-powered vehicles, it is difficult to see how it can allow California to exercise such authority under the statute.

In the meantime, [CLICK HERE](#) to reach out to your lawmakers and urge them to contact EPA and recommend that California's waiver be denied to protect motorists and small business energy marketing companies!