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ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115
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August 11, 2025

Steven S. Cliff, Ph.D.
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Dr. Cliff:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce (Committee) writes to request information about the State of California's compliance with the Clean Air Act. The Committee is concerned about reports that California, and other jurisdictions who have adopted California standards for which waivers of preemption have been granted, are enforcing preempted vehicle emission regulations in violation of the Clean Air Act. In light of these reports, the Committee requests documents and information to better understand these actions.

Clean Air Act section 209(a) prohibits states from adopting or attempting to enforce any emissions control standard for new motor vehicles or engines, and prohibits states from requiring:

[C]ertification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration inspection of such motor vehicle, motor vehicle engine, or equipment.¹

Section 209(b) sets out a process by which the Clean Air Act's preemption of a state's authority to regulate and enforce its own emission standards is waived for California upon a determination by the Administrator of the U.S. Environmental Protection Agency (EPA).² Section 177 allows other states to adopt a California motor vehicle emission standard for which a waiver has been

¹ 42 U.S.C. § 7543(a).

² 42 U.S.C. § 7543(b).

granted.³ Under these authorities, 17 states and the District of Columbia have adopted California standards for which waivers of preemption have been granted (the “Section 177 states”).⁴

The Biden-Harris Administration granted waivers of preemption allowing the California Air Resources Board (CARB) to enact its Advanced Clean Trucks (ACT) regulations,⁵ its Advanced Clean Cars (ACC) II regulations,⁶ and its Omnibus Low NOx programs (the Omnibus) regulations.⁷ On June 12, 2025, however, President Trump signed three bipartisan resolutions into law under the Congressional Review Act (CRA)⁸ disapproving the ACT waiver,⁹ the ACC II waiver,¹⁰ and the Omnibus waiver,¹¹ thus nullifying these actions. As a result, these three waivers are to be treated as if they never took effect because under section 209(a) these CARB regulations are preempted, and California and the Section 177 states have no legal authority to enforce these rules.¹²

In June, California and a coalition of 10 states filed a complaint in the U.S. District Court for the Northern District of California against the EPA Administrator and President Trump in their official capacities, calling the three CRA resolutions of disapproval—which passed on bipartisan votes in Congress and were signed into law by the President—“illegal” and a violation of the Administrative Procedure Act.¹³

In the context of CARB’s new vehicle certification program, the Committee has been made aware that CARB staff is denying auto manufacturers approval to bring vehicles to market unless the manufacturers agree to comply with the preempted regulations. These efforts include CARB staff indicating that the agency would deny California Executive Orders (EO) for model year 2026 vehicles that meet all of CARB’s enforceable regulatory requirements and which California allowed for sale in model year 2025, on the basis that these vehicles do not meet the

³ 42 U.S.C. § 7507.

⁴ California Air Resources Board, [S177 States Dashboard](https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations), Advanced Clean Cars Program, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations> (last updated Apr. 2025) (displaying interactive dashboard of states that have adopted California’s vehicle regulations).

⁵ Notice of Decision, California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; 88 Fed. Reg. 20688 (Apr. 6, 2023).

⁶ Notice of Decision, California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; 90 Fed. Reg. 642 (Jan. 6, 2025).

⁷ Notice of Decision, California State Motor Vehicle and Engine and Nonroad Engine Pollution Control Standards; The “Omnibus” Low NOX Regulation; Waiver of Preemption; 90 Fed. Reg. 643 (Jan. 6, 2025).

⁸ 5 U.S.C. §§ 801-808.

⁹ H.J. Res. 87, 119th Cong., P.L. 119-15.

¹⁰ H.J. Res. 88, 119th Cong., P.L. 119-16.

¹¹ H.J. Res. 89, 119th Cong., P.L. 119-17.

¹² 5 U.S.C. § 801(f).

¹³ Complaint for Declaratory and Injunctive Relief at 28 and 37, State of California, et al., v. United States of America, U.S. Environmental Protection Agency, Lee Zeldin and Donald J. Trump, No. 3:25-cv-04966, (N.D. Cal. Jun. 12, 2025), https://climatecasechart.com/wp-content/uploads/case-documents/2025/20250612_docket-325-cv-04966_complaint.pdf.

additional requirements in one set of the preempted regulations, ACC II. CARB's online repository of California EOs granted to model year 2026 vehicles shows that since June 12, 2025, CARB has exclusively approved vehicles certified to ACC II (i.e., LEV4 emission standards).¹⁴

To assist the Committee in evaluating whether CARB and Section 177 states are violating the Clean Air Act, please provide the following information and documents no later than 10 business days from the date of this letter:

1. Is CARB continuing to enforce the ACC II regulations despite the corresponding waiver of preemption having been disapproved under the CRA?
2. Is CARB continuing to enforce the ACT and the Omnibus regulations despite the corresponding waivers of preemption having been disapproved under the CRA?
3. How many California EOs granted as of the date of this letter for light-duty model year 2026 vehicles since June 12, 2025, allowed compliance with ACC I (i.e., the LEV3 emission standards) as opposed to ACC II (LEV4 emission standards)?
4. What instructions (verbal or written) have been provided to CARB staff relating to CARB's post-CRA implementation of ACC II?
5. Provide all records since January 1, 2025, relating to CARB's implementation of the ACT, ACC II, and the Omnibus regulations in the event the corresponding waivers were (or have been) disapproved under the CRA, including but not limited to policies, memoranda, emails, or other written instructions provided to CARB staff.
6. Provide all documents and communications since January 1, 2025, between CARB and Section 177 states concerning implementation of the ACT, ACC II, and the Omnibus regulations in the event the corresponding waivers were (or have been) disapproved under the CRA, including but not limited to policies, memoranda, emails, or other written guidance provided between CARB staff and Section 177 states.
7. Provide all documents and communications since January 1, 2025, between CARB and the California Governor's Office concerning implementation of the ACT, ACC II, and the Omnibus regulations in the event the corresponding waivers were (or have been) disapproved under the CRA, including but not limited to policies, memoranda, emails, or other written guidance provided between CARB staff and the California Governor's Office.

¹⁴ California Air Resources Board, New Vehicle and Engine Certification: Executive Orders for Light-Duty Vehicles, <https://ww2.arb.ca.gov/applications/new-vehicle-and-engine-certification-executive-orders-light-duty-vehicles> (last accessed on Aug. 6, 2025) (including a summary of Executive Orders issued by the CARB).

8. Provide all documents and communications since January 1, 2025, between CARB and the California Attorney General's Office concerning implementation of the ACT, ACC II, and the Omnibus regulations in the event the corresponding waivers were (or have been) disapproved under the CRA, including but not limited to policies, memoranda, emails, or other written guidance provided between CARB staff and the California Attorney General's Office.
9. What information and direction has CARB provided to the California Department of Motor Vehicles regarding what model year 2026 vehicles may be registered, titled, or used in California?
 - a. Is a California EO a prerequisite for registration, titling, or use of new vehicles in California?

If you have any questions, please contact the Committee on Energy and Commerce Majority staff at (202) 225-3641. Thank you for your attention to this request.

Sincerely,



Brett Guthrie
Chairman
Committee on Energy and Commerce



Dr. John Joyce
Chairman
Subcommittee on Oversight and
Investigations



Gary Palmer
Chairman
Subcommittee on Environment

cc: Liane Randolph, Chair, California Air Resources Board
Shannon Dilley, Chief Counsel, California Air Resources Board