

May 21, 2025

Dear Senator:

The House recently passed, in a bipartisan manner, three Congressional Review Act (CRA) resolutions rescinding Biden EPA waivers allowing California to reshape the nation's car and truck industry. This includes the EPA giving California the green light to ban the sale of new gas-powered cars by 2035.

The undersigned organizations strongly urge the Senate to follow the lead of the House and protect Americans from this radical Green New Deal agenda to kill off our cars. Americans, not state and federal bureaucrats, should be able to choose what kind of vehicles best meet their needs. This push for electrification will limit consumer choice, drive up prices, and make it more difficult for Americans to go to work, see their doctor, and visit family members, among other things.

There is no overstating the importance of these resolutions. While the waivers are for California rules, other states can and have adopted these standards. Further, since manufacturers want to avoid duplicative requirements, California could in effect be establishing a national standard.

The CRA gives the Senate a real chance to put a stop to these waivers because the statute allows for simple majority votes. This may explain why there have been arguments by some Democrats that the waivers are not "rules" under the CRA and therefore may not be the subject of resolutions.

The waivers are exactly the type of agency actions that Congress envisioned would be addressed under the CRA: generally applicable policies affecting the rights or obligations of non-agency parties. The waiver for the car ban, for example, will directly affect tens of millions of people and possibly the entire country. It is hard to imagine anything more generally applicable.

The House, by passing their CRA resolutions, has already made it clear they think the waivers are rules. This includes the 35 Democrats who supported the resolution on the gas car ban.

We also want to stress that Senators shouldn't depend on the Trump EPA putting a stop to this radical anti-gas car agenda. The EPA may very well repeal the waivers, but the regulatory process itself will take time and there will inevitably be years of litigation. Even if the repeal of the waivers survives judicial scrutiny, consumers and car manufacturers will have to live with the California ban (and other rules) for years, barring an injunction. The damage in many ways will have been done.

To its credit, the Senate has passed CRA resolutions this year. None though come even close to the importance of these resolutions. In fact, these are some of the most important regulatory-related votes in recent memory, and likely ever.

Our organizations urge you to take advantage of this unique opportunity to protect individual freedom and consumer choice, and to put a stop to this shocking agency overreach.

Sincerely,

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