

September 16, 2026

The Honorable Mike Johnson
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable John Thune
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Hakeem Jeffries
Democratic Leader
United States House of Representatives
Washington, DC 20515

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Speaker Johnson, Majority Leader Thune, Minority Leader Schumer, and Democratic Leader Jeffries:

We urge you and your congressional colleagues to oppose Congressional Review Act (CRA) resolutions revoking states' authority to enforce the Advanced Clean Cars I (ACC I) and Greenhouse Gas Emission Standards – 2009 and Subsequent Model Years. These vehicle emission standards, adopted in full or in part by 18 states and the District of Columbia, benefit all Americans by reducing pain at the pump and easing the affordability crisis.¹

Under the Clean Air Act, the Environmental Protection Agency (EPA) is authorized to issue the State of California a waiver to establish emission standards for motor vehicles that are at least as protective as federal requirements.² Other states are permitted to adopt California's standards.³ This complementary regulatory framework allows states to adopt sensible protections to address the unique public health, environmental, and consumer protection challenges their citizens face.

In 2009, the EPA granted California a waiver to implement the Greenhouse Gas Emission Standards – 2009 and Subsequent Model Years, which established robust tailpipe emission standards for model year 2009 through 2016 vehicles.⁴ The California Air Resources Board (CARB) projected that, by 2020, the standard would curb 27.7 million metric tons of carbon dioxide equivalent pollutants, prevent the consumption of approximately 3.1 billion gallons of gasoline, and save California consumers over \$10 billion each year.⁵

¹ Clean Car States, "The Right to Join the Advanced Clean Cars Program," <https://www.cleancarstates.org/how>, accessed 27 June 2026.

² Barczewski, Benjamin M. et al. "California and the Clean Air Act (CAA) Waiver: Frequently Asked Questions." *Congressional Research Service*, 30 August 2024, crsreports.congress.gov/product/pdf/R/R48168. accessed 10 March 2025.

³ *Id.*

⁴ Environmental Protection Agency, "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," 8 July 2009, 74 Fed. Reg. 32744, <https://www.govinfo.gov/content/pkg/FR-2009-07-08/html/E9-15943.htm>.

⁵ California Air Resources Board, "Climate Change Scoping Plan Appendices," Volume II: Analysis and Documentation, December 2008.

In 2013, the EPA granted California a waiver to enforce its ACC I regulations.⁶ ACC I reduces smog-causing pollutants for model year 2015 through 2025 vehicles, decreases greenhouse gas emissions beginning with model year 2017 vehicles, and supports the deployment of zero-emission vehicles (ZEVs) and plug-in hybrid electric vehicles for the 2018 through 2025 model years.⁷ CARB projected that, by 2035, ACC I would reduce statewide reactive organic gases by 34 percent, nitrogen oxide emissions by 37 percent, particulate matter pollutants by 10 percent, and greenhouse gas emissions by 27 percent.⁸ Further, owners of new MY 2025 vehicles covered by the standard were projected to save \$6,000 in fuel costs while owners of used 2025 vehicles were projected to save \$3,000 in fuel costs over the life of the vehicle.⁹ In 2022, the Biden administration reinstated California's authority to establish greenhouse gas standards and ZEV requirements pursuant to its ACC I waiver, which was partially withdrawn during the first Trump administration.¹⁰

The CRA provides Congress with fast-tracked procedures to review and overturn federal rules.¹¹ Federal agencies are required to report rules to Congress, triggering an expedited process by which Congress can pass joint resolutions of disapproval invalidating those rules.¹² At the request of members of Congress, the Government Accountability Office (GAO) assesses whether an executive action meets the statutory definition of a rule.¹³ Historically, the GAO concluded that tailpipe emission waivers are not a rule subject to the CRA, but are adjudicatory orders.¹⁴ In 2025, the Senate approved a point of order by a party-line vote allowing the waivers to be treated as rules under the CRA, despite the GAO's determination. Ultimately, Congress passed three improper CRA resolutions nullifying California's most recent clean vehicle standards.¹⁵

⁶ Environmental Protection Agency, "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," 9 January 2013, 78 Fed. Reg. 2112, <https://www.govinfo.gov/content/pkg/FR-2013-01-09/pdf/2013-00181.pdf>.

⁷ California Air Resources Board, "Light-Duty Vehicle Regulations & Test Procedures," <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/lev-program/low-emission-vehicle-regulations-test>, accessed 27 July 2026.

⁸ California Air Resources Board, "Staff Report: Initial Statement of Reasons for Rulemaking," 7 January 2010, [chrome-https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2010/ghgpv10/ghgpvisor.pdf](https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2010/ghgpv10/ghgpvisor.pdf).

⁹ *Id.* Estimates were converted into 2025 United States dollars using the Consumer Price Index for All Urban Consumers: All Items in U.S. City Average.

¹⁰ Environmental Protection Agency, "California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision," 14 March 2022, 87 Fed. Reg. 14332, <https://www.federalregister.gov/documents/2022/03/14/2022-05227/california-state-motor-vehicle-pollution-control-standards-advanced-clean-car-program>.

¹¹ 5 U.S.C. §§801-808.

¹² Congressional Research Service, "The Congressional Review Act (CRA): A Brief Overview," 29 August 2024, <https://www.congress.gov/crs-product/IF10023>.

¹³ *Id.*

¹⁴ Government Accountability Office, "Observations Regarding the Environmental Protection Agency's Submission of Notices of Decision on Clean Air Act Preemption Waivers as Rules Under the Congressional Review Act," 6 March 2025, <https://www.gao.gov/products/b-337179>.

¹⁵ Holland & Knight, "Up in the Air: Congress Nullifies Clean Air Act Waivers for California," 23 May 2025, <https://www.hklaw.com/en/insights/publications/2025/05/up-in-the-air-congress-nullifies-clean-air-act-waivers-for-california>.

In June, the EPA transmitted the ACC I waiver, the reinstatement of the ACC I waiver, and the Greenhouse Gas Emission Standards – 2009 and Subsequent Model Years waiver to Congress.¹⁶ The EPA press release states that the “EPA has determined that each of these waivers is a rule under the CRA, and because previous Administrations failed to transmit them to Congress, as mandated under the CRA, Congress has not been provided with its statutorily required opportunity to review these rules.”¹⁷ The EPA further claims that the agency is “committed to promoting consumer choice and ensuring affordable vehicles for all Americans,” while asserting that the waiver reinstating ACC I “impose[d] costly vehicle emission requirements” and the Greenhouse Gas Emission Standards – 2009 and Subsequent Model Years waiver resulted in “higher vehicle costs.”¹⁸

Costs are low when tailpipe emission standards are high. The fewer pollutants that may be emitted, the less gasoline must be consumed.¹⁹ As such, improvements in clean vehicle technology since 2002 save owners of 2024 light trucks and SUVs \$9,920 in avoided gasoline expenditures over the vehicle’s lifecycle, amounting to \$834 in annual savings.²⁰ Owners of 2024 cars save \$9,100 in avoided gasoline expenditures over the vehicle’s lifecycle, amounting to \$650 in annual savings.²¹ These savings are substantial, as households spend approximately \$2,800, or 3.7 percent of household budgets, on gasoline each year.²²

Clean vehicle features have had a minimal effect on vehicle prices. Equipment upgrades—which include changes in clean vehicle technologies, comfort, convenience, durability, and nonmandatory safety improvements—account for only \$3,040, or 13 percent, of the increase in average expenditures per new passenger vehicle since 2002.²³ Over that same period, average household expenditures on new and used vehicles rose 50 percent and 40 percent, respectively, well below the 74 percent increase in the price of all other goods and services combined.²⁴ As such, consumers have more money left over for other essential goods and services, alleviating household budgetary pressures.

Weakening tailpipe emission standards will inflict more pain at the pump and exacerbate affordability challenges. Between 2002 and 2024, household expenditures on gasoline increased by 122 percent, 48 percentage points higher than the change in price of all other goods and

¹⁶ Environmental Protection Agency, “EPA Fulfills Statutory Obligation by Transmitting Four California Waiver Rules to Congress,” 12 June 2026, <https://www.epa.gov/newsreleases/epa-fulfills-statutory-obligation-transmitting-four-california-waiver-rules-congress>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Environmental Protection Agency, “Text Version of the Gasoline Label,” 22 July 2026, <https://www.epa.gov/fueleconomy/text-version-gasoline-label>.

²⁰ National Consumers League, “Sticker Shock: Uncovering the Real Drivers of Rising Vehicle Prices,” 3 February 2026, <https://nclnet.org/strong-vehicle-safety-and-fuel-standards-save-families-thousands-without-harming-affordability-finds-the-national-consumers-league/>.

²¹ *Id.*

²² The Bureau of Labor Statistics, “Consumer Expenditure Surveys,” accessed 30 December 2025, <https://www.bls.gov/cex/>.

²³ *Id.*

²⁴ *Id.*

services combined.²⁵ In 2026, regular gasoline prices skyrocketed by \$1 to \$1.50 per gallon, dramatically straining household budgets.²⁶ Fuel consumption may rise as tailpipe emission standards are weakened, which could further increase gasoline expenditures.²⁷

More pollutants result in more avoidable illnesses and deaths, exacerbating healthcare costs.²⁸ Weakening tailpipe emission standards can permit larger volumes of dangerous pollutants—including carbon dioxide, carbon monoxide, nitrogen oxides, particulate matter, and volatile organic compounds—to inundate our communities.²⁹ Many of these compounds can be harmful to human health, increasing the risk of heart disease, respiratory diseases (e.g., asthma), cancer, neurological damage, and immune system issues.³⁰ The corresponding increase in illnesses, health complications, and deaths will exacerbate already exorbitant healthcare costs.³¹ After two decades of steep ascent, household healthcare expenditures reached \$6,069, or 8 percent, of household disposable income in 2024.³² Just two decades earlier, healthcare spending per household was \$2,447 per year, merely 5.9 percent of all household expenditures.³³ Since 2002, household expenditures on healthcare increased by 176 percent, 102 percentage points higher than the change in price of all other goods and services combined.³⁴ These sky-high healthcare costs are leaving Americans with less disposable income to spend on other essential goods and services.

A cleaner fleet is a safer fleet, helping address the unacceptably high number of automobile fatalities and injuries on our nation's roadways. Each year, our nation suffers approximately 40,000 deaths and 2.5 million injuries from traffic crashes, costing society approximately \$1.4 trillion dollars in medical bills, emergency services, lost productivity, insurance costs, workplace loss, legal costs, property damage, and other costs.³⁵ To comply with

²⁵ *Id.*

²⁶ AAA, "AAA Fuel Prices," <https://gasprices.aaa.com/>, accessed 17 August 2026.

²⁷ National Consumers League, "Sticker Shock: Uncovering the Real Drivers of Rising Vehicle Prices," 3 February 2026, <https://nclnet.org/strong-vehicle-safety-and-fuel-standards-save-families-thousands-without-harming-affordability-finds-the-national-consumers-league/>.

²⁸ *Id.*

²⁹ Environmental Protection Agency, "Greenhouse Gas Emissions from a Typical Passenger Vehicle," June 12, 2025, <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle#burning>; American Lung Association, "Transportation," October 26, 2023, <https://www.greenvehicleguide.gov.au/pages/UnderstandingEmissions/VehicleEmissions>.

³⁰ Environmental Protection Agency, "Research on Health Effects, Exposure, & Risk from Mobile Source Pollution," October 6, 2025, <https://www.epa.gov/mobile-source-pollution/research-health-effects-exposure-risk-mobile-source-pollution>.

³¹ *Id.*

³² The Bureau of Labor Statistics, "Consumer Expenditure Surveys," accessed 30 December 2025, <https://www.bls.gov/cex/>.

³³ *Id.*

³⁴ National Consumers League, "Sticker Shock: Uncovering the Real Drivers of Rising Vehicle Prices," 3 February 2026, <https://nclnet.org/strong-vehicle-safety-and-fuel-standards-save-families-thousands-without-harming-affordability-finds-the-national-consumers-league/>.

³⁵ National Highway Traffic Safety Administration, "Trump's Transportation Department Announces Record-Low Traffic Deaths & Fatality Rates in 2025," 1 April 2026, <https://www.nhtsa.gov/press-releases/traffic-deaths-2025-early-estimates-2024-annual>.; National Highway Traffic Safety Administration, "Traffic Safety Fact," April 2026.; National Highway Traffic Safety Administration, "The Economic and February 2023 Societal Impact of Motor Vehicle Crashes, 2019 (Revised)," February 2023, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

clean vehicle standards, manufacturers often replace heavy cast iron and steel components with lightweight materials, such as high-strength aluminum, magnesium alloys, and polymer composites.³⁶ These lightweight materials improve vehicle efficiency while maintaining crashworthiness. The National Highway Traffic Safety Administration found that lightweight materials deployed across the fleet can improve or maintain vehicles' structural strength and handling.³⁷ Further, decreasing the weight disparity between small and large vehicles and lowering the mean vehicle weight can reduce crash forces, improving roadway safety.³⁸

The data do not lie. The American people do not have to choose between vehicle affordability and fuel efficiency, public health, and environmental stewardship. We encourage all members of Congress to oppose these improper CRA resolutions.

Thank you for your attention to this important matter. If you would like any additional information about our request, please contact Daniel Greene of the National Consumers League at danielg@nclnet.org.

Sincerely,

National Consumers League

Affordable Homeownership Foundation Inc.

American Council for an Energy-Efficient Economy (ACEEE)

America Walks

American Academy of Pediatrics

American Academy of Pediatrics, Arizona Chapter

American Academy of Pediatrics California Chapter 1

American Academy of Pediatrics, DC Chapter

American Academy of Pediatrics, Florida Chapter

Consumer Federation of America

American Academy of Pediatrics, Idaho Chapter

American Academy of Pediatrics, Maine Chapter

American Academy of Pediatrics, Virginia Chapter

Bicycle Alliance of Minnesota

Center for Auto Safety

Center for Progressive Reform

Citizens Action Coalition of IN

Consumer Federation of California

Consumers for Auto Reliability and Safety

Earth Ethics, Inc.

³⁶ Department of Energy, "Lightweight Materials for Cars and Trucks,"

<https://www.energy.gov/cmei/vehicles/lightweight-materials-cars-and-trucks>, accessed 30 July 2026.

³⁷ National Highway Traffic Safety Administration, "Relationships between Fatality Risk, Mass, and Footprint in Model Year 2003-2010 Passenger Cars and LTVs," June 2016,

<https://www.nhtsa.gov/sites/nhtsa.gov/files/2016-prelim-relationship-fatalityrisk-mass-footprint-2003-10.pdf>;
National Bureau of Economic Research, "The Effect of Fuel Economy Standards on Vehicle Weight Dispersion and Accident Fatalities," April 2017.

³⁸ *Id.*

Kids and Car Safety

National Center for Health Research

National Coalition for Safer Roads

New Jersey Citizen Action

Vision Zero Maine

Whirlwind Wheelchair International