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September 18, 2025

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814
Email: cotb@arb.ca.gov

Re: Opposition to Proposed Emergency Vehicle Emissions Regulations

Dear Members of the Board,

I am writing in strong opposition to CARB's proposed Emergency Vehicle Emissions Regulations set to be submitted to the Office of Administrative Law on September 22, 2025.

Federal Preemption and Congressional Action:

The U.S. EPA initially granted California preemption waivers on January 6, 2025, for the Advanced Clean Cars II (ACC II) and Omnibus regulations. However, on June 12, 2025, Congress passed resolutions (H.J. Res. 88 and H.J. Res. 89) that expressly disapproved these waivers, signed into law by President Trump. This action directly removed CARB's authority to enforce the ACC II and Omnibus rules. CARB's attempt to "revive" prior standards through emergency rulemaking circumvents Congress's decision and violates the Supremacy Clause of the U.S. Constitution.

Pending Litigation:

California and other states have filed suit challenging these congressional resolutions (State of California, et al. v. United States of America, ND Cal., Case No. 3:25-cv-04966). Until the courts resolve this matter, CARB has no legal authority to impose conflicting standards. Proceeding with emergency regulations while federal authority is in dispute undermines due process and creates regulatory chaos.

Fiscal and Market Impacts:

- Uncertainty for Manufacturers: Automakers cannot reasonably be expected to comply with overlapping or retroactively "revived" regulations.
- Costs to Consumers: These conflicting rules will increase compliance costs for trucking companies, oil and gas suppliers, and refiners, which will ultimately drive up gasoline and diesel pump prices for California consumers.
- Legal Risk: Manufacturers face significant liability if they certify vehicles under standards

that a court later invalidates, creating instability in the vehicle market.

Requested Action:

I urge CARB to:

1. Withdraw the proposed emergency rulemaking until federal litigation is resolved.
2. Respect the clear action taken by Congress and the President in disapproving the waivers.
3. Conduct a full economic impact assessment before introducing any new mandates that would further increase consumer fuel costs.

Conclusion:

California's clean air goals can and should be pursued, but CARB cannot override federal authority or act in direct contradiction to congressional action. This proposed emergency rulemaking represents regulatory overreach, creates fiscal harm to consumers, and places California's businesses and residents in legal and economic jeopardy.

Respectfully submitted,

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