

Background

Congress passed the Clean Air Act in 1970, authorizing the Environmental Protection Agency (EPA) to establish air quality standards and issue vehicle emissions standards. In that act, California was granted the ability to issue its own air quality and emissions standards if the state-issued standards were more stringent than EPA standards. California, through its California Air Resources Board (CARB), can apply for “waivers” from the Clean Air Act standards. The approved waivers allow California to preempt federal regulations in California to force gas-powered vehicles off the roads, force diesel locomotive engines off the rails, and regulate the sale of farming and construction equipment.

CARB has over 100 active waivers that set higher emissions standards than the EPA. Additionally, the Clean Air Act allows other states to adopt California's emissions standards. 17 states and the District of Columbia adopted some subset of California's emissions standards. Private businesses have no choice but to alter their business plans to comply with CARB standards or risk their ability to conduct business in those states, which altogether accounted for 40.2% of new light-duty vehicle registrations and 25.5% of new heavy-duty vehicle registrations in 2023. CARB, under Governor Newsome’s leadership, is using the waiver privilege to push a radical environmental agenda on the nation.

California’s power to influence national emissions standards for the auto, locomotive, and boating industries is not subject to Congressional review, meaning Congress does not have the ability to stop CARB. By abusing the waiver provision, California is legislating for the entire nation without any accountability to the American taxpayer.

Stop CARB Act

This bill will eliminate California’s waiver exemption and strengthen the ability of Congress to protect Americans from regulatory burdens. Specifically, the Stop CARB Act will:

- Repeal the waiver exemption for California (in section 209 of the Clean Air Act)
- Prohibit other states from adopting California’s standards (repealing section 117 of the Clean Air Act)
- Nullify any active or pending waivers
- Clean up references to the waiver in other statutes.

Endorsements: Competitive Enterprise Institute, American Petroleum Institute, American Fuel & Petrochemical Manufacturers