Background

Congress enacted the modern-day Clean Air Act in 1970 and made major revisions to the statute in 1977 and 1990. Over the decades, the EPA has increasingly interpreted the Act as a mandate not merely to protect air quality but to direct major sectors of the American economy. By exploiting statutory ambiguities and stretching its regulatory authority beyond Congress's original intent, the agency has pursued sweeping policies affecting electricity generation, transportation, and industrial production.

The EPA has attempted to use their regulatory authority under the Clean Air Act to reduce the number of gas-powered vehicles and coal-burning power plants, and to impose sweeping controls over major sectors of the American economy. One major example was the Obama-era Clean Power Plan, which would have forced power plants to switch from coal to other sources of fuel. In 2022, the Supreme Court rejected this approach in *West Virginia v. EPA* arguing that Congress had not authorized the EPA to assert such broad authority that would have carried massive economic and political consequences. The Court rightly recognized that major policy decisions belong to Congress, not a federal agency.

Despite positive court cases and deregulatory actions by President Trump's EPA, future administrations will continue using the Clean Air Act as a tool to assert authority for major policy decisions that go well beyond the law. Congress should codify in statute clear guardrails to protect Americans from an EPA that imposes excessive rules that drive up prices, restrict consumer choice, and devastate the agency's disfavored industries.

End EPA Abuse Act

The End EPA Abuse Act would address these concerns by prohibiting the EPA from issuing Clean Air Act regulations that could be reasonably determined to significantly expand the Agency's authority beyond the intent of Congress. This includes any regulation that:

a) restricts the sale or use of internal combustion engine vehicles;

b) requires power plants to switch fuel sources;

c) reduces the reliability of the electric grid, or;

d) requires the use of technology that is economically or practically infeasible.

The bill also clarifies that "regulations" includes waivers like those issued to California for their EV mandate.

Endorsements:

Heritage Action, Competitive Enterprise Institute, Eagle Forum, Frontiers of Freedom Institute, Less Government, The Heartland Institute, Center for a Free Economy, American Energy Alliance, American Energy Institute, Truth in Energy and Climate, American Consumer Institute, The John Locke Foundation, Center for Energy and Conservation at Independent Women's Voice

The bill is also supported by 20 State Attorneys General in a letter led by West Virginia AG JB McCuskey.

To cosponsor or support this legislation, please reach out dominic_valentine@lee.senate.gov or charlie_lowsma@lee.senate.gov