



State of West Virginia
Office of the Attorney General
John B. McCuskey
Attorney General

June 11, 2026

The Honorable Mike Lee
United States Senate
Washington, D.C. 20515

The Honorable Andrew Clyde
United States House of Representatives
Washington, D.C. 20515

Dear Senator Lee and Representative Clyde:

For years, the EPA treated the Clean Air Act as a blank check—expanding its own authority at the expense of States, consumers, and the American economy. The Trump administration has done much to correct those abuses, and we are grateful for those efforts. But executive action alone is not enough. What one administration corrects, the next can just as easily undo. And if history is our guide, EPA cannot always be trusted to stay in its lane.

The End EPA Abuse Act of 2026 would close the door on some of EPA's worst overreach while still leaving the agency plenty of room to perform its legitimate functions. Indeed, the Bill's five prohibitions map onto real and recurring forms of EPA overreach that we have been compelled to fight in litigation for years. We thus support the bill and urge its passage without delay.

First, the Bill rightly prohibits regulations that restrict the sale or use of any type of vehicle, including internal combustion engines. EPA's greenhouse gas emission standards (paired with NHTSA's fuel efficiency standards) have more recently functioned as *de facto* electric vehicle mandates. They forced automakers to shift product lines, left consumers with fewer choices and higher prices, and made American fleets dependent on supply chains in China. But the EPA has no business using its regulations to covertly steer the economy. EPA is an environmental regulator, not an economic one.

Second and third, the Bill prohibits rules that require fuel-switching at power plants or that reduce the reliability of the electric grid. It's no secret that America is experiencing a genuine energy emergency. And the fallout is real: power is getting expensive, power outages are increasing, and America's national security hangs in the balance. But instead of helping *increase* the energy supply, the Biden EPA issued rules that *depressed* dispatchable, baseload, fossil-fuel-fired energy—hacking away at traditional energy sources by requiring plants to use an entirely different fuel types and infrastructure. The Supreme Court said that type of rule was illegal in *West Virginia v. EPA*, and the Act's proposed provisions will make sure the EPA sticks to the Court's command.

Fourth, the Bill bars EPA from requiring technology that is commercially unavailable, cost-prohibitive, or otherwise infeasible. We saw such demands to impose imaginary technology arise often. The Obama and Biden EPAs imposed unachievable standards, for instance, to drive fossil fuel energy out of existence. The Clean Power Plans 1.0 and 2.0 provide perfect examples, but they are hardly alone; even innocuous-sounding provisions governing air toxics and water discharges have been weaponized. Too often, the agency dictates technology that has never been adequately demonstrated at scale and the costs of which are unreasonable. By anchoring EPA to achievable technology, this provision stops the agency from using phantom compliance standards as a pretext to favor an administration's preferred energy sources.

Fifth, and perhaps most importantly for the future, the Bill's catch-all provision prohibits any CAA regulation that can reasonably be determined to significantly expand the Administrator's authority beyond the intent of Congress. This provision stops the next wave of abuses before it starts. Every overreach we have documented in our comments and prior litigation reflects an EPA that believed it could rewrite its own mandate. With this provision, it cannot.

Our citizens have borne the real costs of EPA overreach: higher electricity bills, threatened grid reliability, fewer vehicle choices, and jobs lost in energy communities. The States—as sovereigns—have suffered, too. The EPA has routinely grabbed States' traditional authority over environmental policy, substituting its own preferences for the considered judgments of state regulators who know their communities best. This Bill is the first step toward ending those harms and restoring the rightful balance.

All in all, the End EPA Abuse Act of 2026 is a win for our States and our residents. We are grateful that the Trump administration has moved aggressively to correct many of the Biden-era and Obama-era excesses described above. EPA Administrator Zeldin has been a skilled partner in unwinding unlawful rules, and we applaud those efforts. But statutory guardrails—not administrative forbearance—provide the durable solution our constituents deserve.

Thank you for your commitment to keeping the EPA within its statutory authority. The States recognize that EPA has an important role to play. We ask only that Congress ensure that, in playing that role, the EPA does not again usurp ours.

Sincerely,

A handwritten signature in black ink that reads "John B. McCuskey". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

John B. McCuskey
Attorney General



Steve Marshall
Alabama Attorney General



Cori Mills
Acting Alaska Attorney General



Tim Griffin
Arkansas Attorney General



James Uthmeier
Florida Attorney General



Christopher M. Carr
Georgia Attorney General




Kris W. Kobach
Kansas Attorney General



Russell Coleman
Kentucky Attorney General



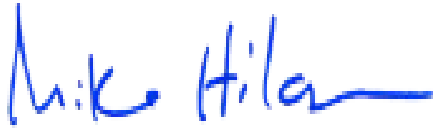
Liz Murrill
Louisiana Attorney General



Catherine L. Hanaway
Missouri Attorney General



Austin Knudsen
Montana Attorney General



Mike Hilgers
Nebraska Attorney General



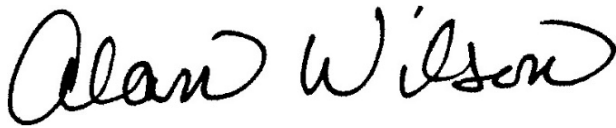
Drew Wrigley
North Dakota Attorney General



Andy Wilson
Ohio Attorney General



Gentner Drummond
Oklahoma Attorney General



Alan Wilson
South Carolina Attorney General



Marty J. Jackley
South Dakota Attorney General



Jonathan Skrmetti
Tennessee Attorney General and Reporter



Derek Brown
Utah Attorney General



Keith Kautz
Wyoming Attorney General