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## Stop CARB Act

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In 1970, Congress passed the Clean Air Act (CAA), authorizing the Environmental Protection Agency (EPA) to establish air quality standards and issue vehicle emissions standards. The CAA granted California the ability to issue its own air quality and emissions standards if the state-issued standards were more stringent than the EPA's. Through the California Air Resources Board (CARB), California may apply for "waivers" from the CAA standards. California then sets unreasonably high standards because approved waivers supersede federal regulations. CARB's actions prematurely force gas-powered vehicles off the roads, diesel locomotive engines off the rails, and over-regulate farming and construction equipment sales.

CARB has over 100 active waivers that set higher emissions standards than the EPA.<sup>1</sup> Additionally, the CAA allows other states to adopt California's emissions standards if there are no changes. As of 2024, 17 states and the District of Columbia have adopted some subset of California's emissions standards. As a result, businesses must alter plans to comply with CARB's regulations or risk their ability to operate in 18 states and the District of Columbia, which altogether accounted for 40.2% of new light-duty vehicle registrations and 25.5% of new heavy-duty vehicle registrations in 2023.<sup>2</sup> In the future, CARB will severely restrict the types of vehicles and other transport that may operate in California. This goes beyond consumer choice in vehicles; it impacts shipping and production costs, driving up the price of everyday household items. CARB, under Governor Newsome's leadership, is using the waiver privilege to push a radical environmental agenda that extends well beyond the borders of California.

California's power to influence national emissions standards for the auto, locomotive, and boating industries is not subject to Congressional review, meaning Congress cannot stop CARB.<sup>3</sup> By abusing the waiver provision, California is legislating for the entire nation, without any input from or accountability to the vast majority of Americans.

Senator Lee's Stop California from Advancing Regulatory Burden Act, or Stop CARB Act, eliminates California's waiver exemption and strengthens Congress' ability to protect Americans from excess regulatory burdens. Specifically, the Stop CARB Act will:

- Repeal the waiver exemption for California in section 209 of the Clean Air Act;
- Repeal section 177 of the Clean Air Act, which allows other states to adopt the California standards, and;
- Nullify any active or pending waivers.

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<sup>1</sup> The Trump Administration was the only Administration to deny a waiver.

<sup>2</sup> California Air Resources Board (CARB), "Section 177 States Regulation Dashboard," <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations>.

<sup>3</sup> California's CAA federal preemption waivers cannot be reviewed under the Congressional Review Act (CRA) because the waiver granted by EPA is not a *rule* as that term is defined in the CRA.