

California's EV Mandate Goes to Congress for Repeal

The GOP can rescue the country from onerous rules that are impossible for auto makers to meet.

By
The Editorial Board



The 101 freeway in Los Angeles during the morning commute on September 23, 2024. PHOTO: MARIO TAMA/GETTY IMAGES

President Trump campaigned on eliminating electric-vehicle mandates and bringing down prices. Republicans in Congress now have an opportunity to do both by overturning California's onerous EV regime.

The Biden Administration in December approved a waiver letting California set its own vehicle greenhouse-gas emissions standards. The Clean Air Act lets the Environmental Protection Agency grant such a waiver only to meet "compelling and extraordinary conditions." This waiver authority was intended to help California reduce pollutants that contribute to smog.

But CO2 doesn't cause smog, and California doesn't have any more compelling need to regulate vehicle greenhouse-gas emissions than any other state. Nonetheless, the Biden EPA approved the state's ban on new internal-combustion engine cars by 2035 and progressive "zero-emission vehicle" quotas for auto makers.

Zero-emission vehicles would have to account for 43% of an auto maker's sales in 2027 in California and a dozen or so other states that have adopted its rules. This increases to 68% by 2030. Auto makers called the program an "unaccountable, unachievable regulatory wormhole" in a memo to "interested parties" in December. That is putting it gently.

EVs made up only 13% of traditional auto-maker sales in California in 2023 and even less in such states as Massachusetts (8%), New Jersey (7%) and New York (6%) that have adopted the Golden State's rules. Auto makers say they may have to slash deliveries of gas-powered cars to California and its copy-cat states to meet the quotas.

Because auto makers would also need to slash EV prices to meet the quotas, they would probably have to increase prices on gas-powered cars nationwide to offset their steep EV losses. Auto makers' only alternative would be to buy regulatory credits from [Tesla](#), which would also dent their bottom lines and probably cause them to raise prices.

Enter Trump EPA Administrator Lee Zeldin, who on Friday submitted the California waiver to Congress for repeal under the Congressional Review Act. Under that law a simple majority of both chambers can overturn a regulation with a President's signature. Passing a CRA resolution would be quicker than reversing the rule administratively.

The CRA also bars judicial review of resolutions and forbids future administrations from reissuing a rule "in substantially the same form." That means California's EV mandate couldn't return, as it did after Mr. Trump tried to kill it during his first term. Congress now has 60 days to introduce a resolution to overturn California's EV mandate. Better get cracking.