

Majority

1. A July 24, 2023, letter to Tim Walberg from Consumer Energy Alliance in support of the Choice in Automobile Retail Sales (CARS) Act.
2. A July 26, 2023, letter to Chair Rodgers and Ranking Member Pallone from American Fuel & Petrochemical Manufacturers in support of the three bills being marked up.
3. A July 25, 2023, letter to Reps. Walberg and Clyde from National Tank Truck Carriers in support of the CARS Act.
4. A July 26, 2023, letter to Chair Rodgers and Ranking Member Pallone from American Petroleum Institute in support of the CARS Act.
5. A June 14, 2023, letter to Senator Mullin and Rep. Joyce from National Propane Gas Association in support of the Preserving Choice in Vehicle Purchases Act.

Minority

1. A letter from the American Lung Association
2. A letter from 62 companies and stakeholder organizations to EPA Administrator Regan
3. A letter from 13 organizations

July 24, 2023

The Honorable Tim Walberg
2266 Rayburn HOB
Washington, DC 20515

RE: Choice in Automobile Retail Sales (CARS) Act

Dear Representative Walberg:

On behalf of Consumer Energy Alliance (CEA), I write today in support of the Choice in Automobile Retail Sales (CARS) Act.

Since our founding, CEA and its members have strongly supported actions that thoughtfully advance our nation towards a cleaner, more environmentally responsible energy future, including emissions reductions that help meet our nation's climate goals. We believe that responsible solutions should always allow for a full slate of available energy options to ensure the needs of consumers are met while leveraging and supporting the development of state-of-the-art technologies to improve our environmental stewardship and aid in the continued reduction of all emissions.

As consumers become more accepting of electric vehicles (EV), taxpayer-funded incentives expand, and automobile manufacturers produce a greater variety of models, EV purchases are expected to keep growing. Policymakers, however, should be increasingly mindful not to make ill-conceived policy decisions that increasingly stress our fragile power grid, add costs that many consumers cannot bear, and exacerbate supply-chain challenges. Too many state policies currently fail to fully reflect the real-world considerations that must be made in support of a growing EV market.

Consumer impacts – especially the impacts imposed on those with low- and fixed-incomes – need to be front and center in policy discussions. This is an area which we explored in-depth in our report *Freedom to Fuel: Consumer Choice in the Automotive Marketplace*.ⁱ

Unfortunately, lacking both technological feasibility and economic practicality, systemic inequity and energy injustice is embedded in the current rule put forth by the U.S. EPA. The result will lead to limiting consumer options and thwarting environmental progress by depressing innovation – which is why the CARS Act is so vital to protect America's consumers.

It may be helpful to provide a few illustrations as to how systemic inequity and energy injustice issues are embedded in current proposals put forth by the U.S. EPA, and California's Advanced Clean Cars II, limit consumer choice in the automotive marketplace.

First, the U.S. EPA has failed to consider the affordability of vehicles for low- and middle-income families. The average EV cost \$65,041 in 2022 while the overall average automobile cost only \$48,681, according to Kelly Blue Book data — a \$16,360 upfront price differential. This differential is more than two times the incentives offered by the federal government to purchase qualifying EVs.ⁱⁱ Clearly, even with the incentive, EVs are out of the price range for the average American.

When examining used vehicles, a National Automobile Dealers Association study on the cost of ownership estimated that after five years, EVs depreciate \$43,515 in value, while ICE vehicles average only \$27,883 in depreciation.ⁱⁱⁱ This depreciation almost eliminates any residual value advantage of the higher-priced EVs after only a short period of usage. If EVs become a non-viable option as used cars due to substantial depreciation and cost of battery replacement, used car markets operating under EV mandates will see very constrained supply despite sustained demand, eventually making even used cars too expensive for many working-class families.

Moreover, the practical use of EVs benefits wealthier users as well. Charging infrastructure is a critical component for EV usage. Wealthier users are far more likely to live in single family homes where installation of a fast charger costing thousands of dollars is simply a matter of fact. Lower income families who are more likely to reside in apartments or rented properties do not have the option of installing their own personal dedicated fast chargers.

Even the location of charging infrastructure tends to benefit the wealthier, whiter, male demographic that makes up 75% of the individuals who purchase EVs.

In fact, a recent MIT study on EVs and equity noted, “Black and Hispanic neighborhoods only had 0.7 times the access to public chargers as the no-majority reference group in California.” Furthermore, “White-majority census block groups were 1.5 times more likely to have access to public charging stations compared to Black- and Latino-majority census block groups.”^{iv}

In addition, public charging, when available to lower income communities, typically costs more than home charging, creating further disparities, exacerbating the differences in transportation equity between rich and poor. Combine that with what is sure to be higher electricity prices from the requisite generation, distribution and transmission infrastructure buildout required to meet growing electricity demand, as is often the case the poor will just keep getting poorer.

Lastly, expanding EV markets without adding sustainable power generation and upgrading transmission will increase the risk of brownouts and blackouts. The necessitated upgrades will place upward pressure on the cost of electricity. These costs will disproportionately burden families living at or below the poverty line, as well as seniors on fixed incomes.

Thank you again for your leadership in providing families with mobility needs the freedom to fuel the vehicles of their choice by introducing the CARS Act.

Sincerely,



Chris Ventura
Executive Director, Midwest
Consumer Energy Alliance

ⁱ https://consumerenergyalliance.org/cms/wp-content/uploads/2023/06/CEA_EV_REPORT_2023.pdf

ⁱⁱ <https://b2b.kbb.com/news/view/new-vehicle-prices-hit-record-high-in-november-2022/>

ⁱⁱⁱ <https://www.nada.org/nada/nada-headlines/beyond-sticker-price-cost-ownership-evs-v-ice-vehicles>

^{iv} <https://sciencepolicyreview.org/2021/08/equity-transition-electric-vehicles/>



American
Fuel & Petrochemical
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July 26, 2023

The Honorable Cathy McMorris Rodgers
Chair
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chair Rodgers and Ranking Member Pallone,

The American Fuel & Petrochemical Manufacturers (AFPM) writes in support of three bills that will be considered by the House Committee on Energy and Commerce: H.R. 1435 *The Preserving Choice in Vehicle Purchases Act*, H.R. 4468 *The Choice in Automobile Retail Sales Act of 2023*, and H.R. 4469, *The No Fuel Credits for Batteries Act of 2023*. We encourage the Committee to advance this legislative package and to advocate for swift passage on the House floor.

AFPM is the leading trade association representing the US refining industry, which supplies gasoline, diesel, jet fuel, sustainable aviation fuel, and renewable diesel around the country; the petrochemical industry, which manufactures the essential building blocks for modern life; and the midstream energy industry, which makes it possible to transport energy feedstocks and products where they need to go.

Our industries are committed to working with policymakers to identify ways to meet growing global demand for affordable energy while increasing fuel efficiency and reducing the carbon intensity of transportation fuels. The US refining and petrochemical industries are essential in this endeavor and are both enthusiastic and well-positioned to lead the world due to years of innovation and investment, our workforce, and the competitive advantages offered by access to domestic crude oil and natural gas.

The bills under consideration are critical for encouraging competition and innovation among fuel and vehicle technologies. A sustainable future is only possible if we take an “all of the above approach” to energy, utilizing American renewable and petroleum liquid fuels, renewable and geologic natural gas, hydrogen, electric vehicles (EVs), and an array of feedstocks. Unfortunately, the federal government and states led by California are taking the opposite approach, effectively banning the sale of new internal combustion engine (ICE) vehicles.

These bans would trade away consumer choice and energy independence for a dependency on foreign adversaries and an ineffective climate policy. While these policies claim to be pro-climate, they not only fail to account for carbon emissions associated with the manufacturing and charging of EVs, but also put in place an arbitrary systemic bias against any liquid fuel. At the same time, they increase our reliance on the critical minerals and batteries supply chain, which is almost exclusively controlled by China. China operates the majority of Africa’s largest lithium mining projects and 80



percent of lithium refining.¹ Within two years, they are also expected to control half of all cobalt production.²

Rather than being subjected to prescriptive technology mandates, consumers should be able to choose vehicles that fit their families' needs. The *Choice in Automobile Retail Sales Act of 2023* and the *Preserving Choice in Vehicle Purchases Act* will ensure that industries can continue to innovate and compete for both consumers and emissions reductions. Neither bill removes the federal government's ability to set more stringent tailpipe standards or for California to take steps to set emissions standards consistent with the Clean Air Act. The legislation simply ensures that all technologies may compete.

Similarly, the *No Fuel Credits for Batteries Act of 2023* will ensure that EPA cannot misuse the Renewable Fuel Standard (RFS) to eliminate liquid fuels and force a transition to EVs. EPA recently removed eRINS program language from the final 2023-2025 RFS Set Rule. However, during testimony before your committee on June 22nd, 2023, EPA Assistant Administrator Joe Goffman stated the Agency will continue to explore avenues to pursue eRINS. Congress must make it clear that the RFS is a liquid fuels program and not a tool to force an EV transition.

AFPM strongly supports these bills and hopes to see widespread support for these commonsense measures. We urge you and your colleagues to quickly report them to the House floor and pursue swift floor consideration.

Thank you for your consideration on these matters. Please contact us if you have any questions or would like to discuss this legislation.

Regards,

Chet Thompson
President and CEO
American Fuel & Petrochemical Manufacturers

¹ [Bloomberg, Financial Times](#)

² [Financial Times](#)



**NATIONAL
TANK TRUCK
CARRIERS**

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July 25, 2023

The Office of Congressman Tim Walberg
2266 Rayburn HOB
Washington, D.C. 20515

The Office of Congressman Tim Clyde
445 Cannon HOB
Washington, DC 20515

Re: Association Support for the CARS Act

Congressmen Walberg and Clyde:

The National Tank Truck Carriers (NTTC) applauds the introduction of the CARS Act for Congressional consideration, and is grateful for your leadership to address industry concerns about recent EPA proposals to further restrict greenhouse gas emissions from commercial vehicles.

NTTC is a nonprofit, nonpartisan trade association representing the North American tank truck industry. NTTC's membership is comprised of over 500 companies that support or specialize in bulk transportation services by cargo tanks. NTTC members, many of which are defined as small businesses by the Small Business Administration, transport hazardous materials by surface, particularly using public roads and highways.

NTTC is concerned regarding the EPA proposal for more stringent MY2027 HD vehicle CO2 emission standards beyond what was finalized in HD GHG Phase 2. NTTC maintains that despite technological advancement in zero-emission vehicles (ZEV) and alternative fuel technologies, they are not practical for many of America's tank truck fleets at this time. The issues posed by the markedly increased cost and weights of tractors in addition to the decreased range and lack of refueling infrastructure present obstacles to industry adoption of such technologies. Additionally, if an electric tractor is used, 6,400 pounds, or an 8% reduction, of payload is lost per shipment. These challenges worsen existing supply chain issues while increasing congestion on and wear to America's roadways.

NTTC also agrees with the CARS Act's provision that prevents the mandate to use any specific technology for vehicle propulsion. NTTC maintains that vehicle propulsion technologies should not be mandated with a one-size-fits-all approach, but rather, should be seen as tools in a toolkit that trucking companies can adapt for their individual circumstances. The CARS Act will allow operators the freedom to procure such trucks until other technologies prove capable of meeting their demands.

Thank you again for your common-sense approach to realize a zero-emissions transportation future utilizing realistic timelines with evolving technologies.

Sincerely,

William Lusk
Director, Education and Government Relations

To champion safety and success in the tank truck community through advocacy and education.



American
Petroleum
Institute

Amanda Eversole
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& Chief Advocacy Officer
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July 26, 2023

The Honorable Cathy McMorris Rodgers
Chair
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chair Rodgers and Ranking Member Pallone:

The American Petroleum Institute (API) has significant concerns with the potential consequences of the Environmental Protection Agency's (EPA) proposed rule, "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles." While API supports the goal of reducing emissions in the transportation sector, the EPA's current proposal eliminates opportunities for the marketplace to identify the most efficient, lowest cost opportunities to reduce greenhouse gas (GHG) emissions from new and existing vehicles and could create significant challenges in meeting America's transportation needs.

EPA's proposed rule infringes on consumer choice and, if implemented, would greatly restrict Americans' freedom to decide what vehicle best suits their transportation needs. Additionally, the proposed rule could have negative impacts on our nation's grid reliability due to the increase in power demand required for the electrification of a large portion of the U.S. transportation fleet. The proposed rule could also threaten America's energy security by forcing a greater reliance on foreign adversaries who dominate the critical mineral manufacturing and processing necessary to produce batteries for electric vehicles.

EPA data shows fuel and vehicle technologies have reduced emissions from common pollutants by roughly 99 percent in both light- and heavy-duty vehicles and buses compared to 1970,¹ and CO₂ emissions from light-duty internal combustion engine vehicles (ICEV) have decreased 25 percent since model year 2004.² Given the precedent of improvements in fuel and vehicle technologies, API is confident that even further emissions reductions can be made in transportation while avoiding the potential negative consequences from EPA's proposed rule.

On July 6, 2023, Representative Tim Walberg (R-MI-05) introduced *The Choice in Automobile Retail Sales (CARS) Act (H.R. 4468)*, which prohibits the EPA from finalizing standards for light- and medium-duty vehicles that restrict consumer choice, mandate certain technologies or limit vehicle options based on engine type. API supports *The CARS Act* and its goal of protecting consumer choice while providing Americans with the transportation options on which they depend.

API encourages members of the House Committee on Energy and Commerce to advance this critical legislation. On behalf of API's nearly 600 members that produce, process and distribute most of the nation's energy, we appreciate your consideration of this request.

Sincerely,

Amanda E. Eversole

¹ U.S. EPA, "History of Reducing Air Pollution from Transportation in the United States," <https://www.epa.gov/transportation-air-pollution-and-climate-change/history-reducing-air-pollution-transportation>, accessed June 2, 2023.

² U.S. EPA, "Highlights of the Automotive Trends Report," <https://www.epa.gov/automotive-trends/highlights-automotive-trends-report>, accessed June 2, 2023.



June 14, 2023

The Honorable Markwayne Mullin
U.S. Senate
330 Hart Senate Office Building
Washington, D.C. 20510

The Honorable John Joyce
U.S. House of Representatives
152 Cannon House Office Building
Washington, D.C. 20515

Dear Senator Mullin and Dr. Joyce,

On behalf of the National Propane Gas Association (NPGA), thank you for introducing the *Preserving Choice in Vehicle Purchases Act*, ensuring consumers maintain access to clean and affordable propane-powered vehicles nationwide.

NPGA is the national trade association of the propane industry with a membership of about 2,500 companies and 36 state and regional associations representing members in all 50 states. Membership in NPGA includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances. Propane gas fuels millions of installations nationwide for home and commercial heating and cooking, in agriculture, industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks. Roughly 75% of NPGA's members have fewer than 100 employees and are considered small businesses.

In August 2022, the California Air Resource Board (CARB) approved "Advanced Clean Cars II Regulations," which would require "all new passenger cars, trucks, and SUVs sold in California will be zero emissions" by "ending sales of new internal-combustion engine[s]" by 2035¹. Pursuant to the Clean Air Act², the Environment Protection Agency must approve these regulations prior to implementation. Additionally, this regulation could be extended to 17 other states, as those states have adopted California's vehicle standards, impacting a large portion of the nation's new car sales. The *Preserving Choice in Vehicle Purchases Act* would strengthen the Clean Air Act by preserving consumer choices in the automotive market and preventing the direct and indirect banning of internal combustion engines, including clean alternative fuels like propane.

While NPGA applauds efforts to reduce greenhouse gas emissions, local, state, and federal regulators should do so in a manner that truly reduces, not shifts, emissions. In many instances, electric vehicles can be an effective solution, but the notion that they are "zero emissions" is incorrect. As the Department of Energy (DOE) notes, depending on the electric generation portfolio, "all-electric vehicles...may not demonstrate as strong a life cycle emissions benefit."³

¹ <https://ww2.arb.ca.gov/news/california-moves-accelerate-100-new-zero-emission-vehicle-sales-2035>

² 42 U.S.C. §7543

³ https://afdc.energy.gov/vehicles/electric_emissions.html

As the Lawrence Livermore National Laboratory notes, 60% of the energy used for electricity generation is lost in the conversion⁴ making the electric grid an extremely inefficient source for energy.

Propane is a clean, affordable, and reliable fuel powering over 200,000 vehicles⁵ on the road. In fact, over 60 school districts in California rely on nearly 2,000 propane-powered school buses⁶ daily to transport students. Propane vehicle engines produce 24% fewer greenhouse gas emissions, 20% fewer NOx emissions, and 60% fewer CO2 emissions than gasoline engines⁷. In addition to the environmental benefits, DOE stated that transitioning from diesel and gasoline vehicles to alternative fuels, including propane, can produce long-term financial and maintenance savings. Propane-powered engines require less oil by volume than diesel engines, resulting in maintenance savings every service interval over the life of the vehicle⁸.

The *Preserving Choice in Vehicle Purchases Act* is an essential piece of legislation that preserves consumer choice and ensures Americans have access to vehicle technology best meets their needs while also providing reliability and affordability. NPGA thanks you for leading this important effort.

Sincerely,



Stephen T. Kaminski
President and Chief Executive Officer
National Propane Gas Association

⁴ https://flowcharts.llnl.gov/sites/flowcharts/files/2022-04/Energy_2021_United-States_0.png

⁵ <http://wvutoday-archive.wvu.edu/n/2016/02/22/wvu-based-naftc-launches-industries-newest-propane-autogas-vehicle-technician-training.html>

⁶ <https://propane.com/for-my-business/schools-that-use-propane/>

⁷ Gas Technology Institute. (17-01). GHG and Criteria Pollutant Emissions Analysis (GTI PROJECT NUMBER 22061). Propane Education & Research Council

⁸ <https://afdc.energy.gov/vehicles/propane.html>



July 27, 2023

The Honorable Cathy McMorris Rodgers, Chair
The Honorable Frank Pallone, Ranking Member
Committee on Energy & Commerce
U.S. House of Representatives

Dear Chair McMorris Rodgers and Ranking Member Pallone:

The American Lung Association strongly supports the Clean Air Act and the success the landmark law has achieved over its fifty plus years. The air we breathe is much cleaner today than it was before Congress came together to pass this bipartisan law. The transportation sector is a major contributor to air pollution. The nation must continue to use the tools of the Clean Air Act to further transition the sector to cleaner, healthier vehicles – not see those tools blocked, weakened or delayed. Bills under consideration in today’s hearing would dismantle Clean Air Act requirements to set vehicle pollution standards that protect health.

H.R. 4468 would prohibit EPA from finalizing and implementing a rule that will reduce 15,000 tons of particle pollution (PM_{2.5}) and 66,000 tons of smog-forming nitrogen oxides (NO_x). The reductions in PM_{2.5} alone are estimated to amount to between \$63-280 billion in health benefits. The rule would also eliminate around 7.3 billion metric tons of carbon pollution. These emissions of greenhouse gases are warming the climate and contributing to this summer’s devastating instances of flooding, wildfire smoke and excessive heat.

H.R. 1435 would weaken the provision of the Clean Air Act that gives California the authority to set stronger vehicle emissions standards and other states the ability to adopt those standards. The Lung Association strongly supports California’s pollution control authority. California faces extraordinary conditions when it comes to air pollution. That unique position was affirmed when the Clean Air Act passed with overwhelming bipartisan support in 1970 with the inclusion of a section allowing California to set standards that went beyond federal protections. This partnership between California and the federal government has continued through both Republican and Democratic administrations to achieve cleaner air not only in California but nationwide. Undermining that partnership with this legislation would reverse clean air progress and threaten public health.

The most recent “State of the Air” report from the American Lung Association noted that approximately 120 million Americans live in communities impacted by unhealthy levels of ozone and/or PM_{2.5}. Exposure to air pollution can contribute to asthma attacks, heart attacks and stroke,

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lung cancer, low birthweight and premature birth and premature death.¹ Traffic pollution is specifically associated with premature death due to cardiovascular disease, lung cancer death, asthma onset in children and adults and other negative health outcomes.² The transportation sector is also the leading source of climate pollution in the United States. Climate impacts on health include degraded air and water quality, increases in vector-borne diseases, mental health impacts and more.³ A rapid transition to zero-emission technologies is urgently needed to ensure cleaner air and to reverse course on climate change.

The American Lung Association's recent "Driving to Clean Air" report highlighted that approaching a 100 percent zero-emissions sales of light- and medium-duty vehicles scenario by 2035, along with a non-combustion electricity grid, could result in major health benefits. The report found that the cumulative health benefits could reach \$978 billion by 2050, including nearly 90,000 premature deaths avoided, over 2 million asthma attacks avoided and more than 10 million lost workdays avoided due to cleaner air.⁴ Prohibiting progress towards a zero-emission transportation sector is therefore not only a threat to innovation and economic opportunity, it is also a threat to health.

The American Lung Association opposes these bills and urge the Committee to reject these and other attempts to weaken the Clean Air Act.

Sincerely,



Harold P. Wimmer
National President and CEO

¹ Health Effects Institute. "Systematic Review and Meta-analysis of Selected Health Effects of Long-Term Exposure to Traffic-Related Air Pollution." Special Report 23: 2022.

² Health Effects Institute. "Systematic Review and Meta-analysis of Selected Health Effects of Long-Term Exposure to Traffic-Related Air Pollution." Special Report 23: 2022.

³ USGCRP. Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. 2018.

⁴ American Lung Association. "Driving to Clean Air." June 2023. <https://www.lung.org/clean-air/electricvehicle-report/driving-to-clean-air>

July 21, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Finalizing an eRINs Program Under the Renewable Fuel Standard in 2023

Dear Administrator Regan,

On behalf of the undersigned companies and stakeholder organizations, we write to express our collective concern regarding the U.S. Environmental Protection Agency's ("EPA's") decision to delay action on its eRINs program. For the following reasons, we urge EPA to finalize any rules necessary in 2023, including additional volume obligations as appropriate, in order to implement an eRINs program in 2024:

An eRINs Program Will Support Broader Administration Climate Priorities. Finalizing an eRINs program would accelerate electric vehicle adoption, including by supporting the sale of electric vehicles as many manufacturers work to transition capabilities and supply chains to become eligible for all or a portion of the 30D tax credit provided by the Inflation Reduction Act ("IRA"). It would also be complementary to other proposed transportation and greenhouse gas reduction policies, including the recent light- and medium-duty vehicle standards. Finally, an eRINs program would incentivize increased methane capture at existing solid waste, wastewater, agricultural, and other organics processing facilities, particularly those facilities where renewable natural gas production is not economically or technically feasible. An eRINs program would therefore spur new investments in such facilities, reduce methane emissions, and augment other expiring incentives provided by the IRA.

Opportunities for Stakeholder Input Have Been Comprehensive. EPA has provided ample opportunity for public comment on the implementation of an eRINs program, including on four occasions in 2010, 2014, 2016, and 2022. Additionally, beginning with the Energy Independence and Security Act of 2007 and in multiple appropriation bills and letters since, Congress has directed EPA to implement an eRINs program and, ultimately, appropriated funds for EPA to do so. As such, the Agency has a clear basis for finalizing a program this year.

Further Delay Risks Jeopardizing Timely Investments in Climate Solutions. Addressing the climate necessitates immediate action. Finalizing an eRINs program this year would motivate significant near-term investments in decarbonizing the transportation and energy industries. For this reason, incorporating qualifying renewable electricity into the Renewable Fuel Standard, as directed by Congress, would further solidify President Biden's leadership in climate policy. Any additional delay introduces unnecessary risks and jeopardizes those investments.

Thank you for your continued evaluation of our recommendations, and we look forward to continuing to partner with the Administration to implement this important program.

Sincerely,

Ag-Grid Energy LLC
Alliance for Automotive Innovation
Ameresco
American Biogas Council
American Loggers Council
Anew
Audi of America
Biomass Power Association
BioWorks Energy LLC
Bloom Energy Corporation
BMW of North America, LLC
Bridge to Renewables, Inc.
California Bioenergy LLC
California Association of Sanitation Agencies
California Biomass Energy Alliance
Coalition for Renewable Natural Gas
Coalition of Massachusetts Anaerobic Digestion Facilities
Commonwealth Resource Management Corporation
DTE Vantage
Electric Drive Transportation Association
Electrification Coalition
Energy 2001, Inc.
Energy Developments, Inc.
Ford Motor Company
FreeWire Technologies
G2 Energy LLC
General Motors
Generate Capital, PBC
Generate Upcycle, PBC
Hyundai Motor America

Kia Corporation
Kinder Morgan
Lucid Group, Inc.
Maas Energy Works
Mercedes-Benz USA
Milk Producers Council
National Association of Clean Water Agencies
National Milk Producers Federation
National Waste and Recycling Association
NextEra Energy
Nodal Power, Inc.
North American Power Systems
Northwest Dairy Association/ Darigold
Ohio Dairy Producers Association
OPAL Fuels
Pacolet Milliken
Porsche Cars North America, Inc.
Renewable Energy Services of Ohio, LLC
RFS Power Coalition
Rivian
Solid Waste Association of North America
Southern Idaho Solid Waste
Tesla
The Business Council for Sustainable Energy
Toyota Motor North America, Inc.
Utility Workers Union of America
Vespene Energy, Inc.
Volkswagen Group of America
Volvo Car USA
Washington State Dairy Federation
WM
Zero Emission Transportation Association

July 26, 2023

The Honorable Cathy McMorris Rodgers
Chair
House Energy and Commerce Committee

The Honorable Frank Pallone
Ranking Member
House Energy and Commerce Committee

RE: 7.27.23 Full Energy & Commerce Committee Markup

Chair McMorris Rodgers, Ranking Member Pallone, and members of the Energy & Commerce Committee:

On behalf of our millions of members and supporters, we write in strong opposition to the following bills, which will be considered by the full committee on July 27, 2023:

- [H.R. 4468](#), The Choice in Automobile Retail Sales Act of 2023 (Walberg, MI-05)
- [H.R. 1435](#), The Preserving Choice in Vehicle Purchases Act (Joyce, PA-13)
- [H.R. 4469](#), The No Fuel Credits for Batteries Act of 2023 (Pence, IN-06)

These bills represent blatant attacks on the Clean Air Act, EPA’s longstanding authority to set vehicle and fuel standards to protect public health and the environment, and the longstanding authority of California and 17 other states to enact clean air and climate programs to address their compelling need to reduce air pollution. In addition, these bills would set a dangerous precedent - injecting politics into rulemakings and deliberative processes that should instead be based on the best available science and the need to protect public health and welfare as the law requires.

H.R. 4468, The Choice in Automobile Retail Sales Act of 2023, aims to prohibit the Environmental Protection Agency (EPA) “from finalizing, implementing, or enforcing” the Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, the comment period of which just ended on July 5, 2023. EPA’s proposal, which, if finalized, is expected to result in \$850 billion to \$1.6 trillion in benefits,¹ is necessary to reduce harmful vehicle pollution and Congress should reject short-sighted attempts to prevent the regulation from being enacted. The transportation sector is currently the largest source of greenhouse gases (GHGs), and passenger vehicles are responsible for over half of the transportation sector’s GHGs. In addition to setting technology-neutral greenhouse gas standards, EPA’s proposal also sets lower standards for smog-forming pollution and particulate matter emissions, which disproportionately harm vulnerable populations. These life-saving rules must be finalized.

H.R. 1435, The Preserving Choice in Vehicle Purchases Act, aims to “amend the Clean Air Act to prevent the elimination of the sale of internal combustion engines” by restricting the ability for states to set emissions standards as currently allowed under the Act. This bill is a blatant attack on the Clean Air Act and state authority. For decades, the federal government has recognized California’s authority to enact clean air and climate programs to address its compelling need to reduce air pollution, and the right for other states to adopt these standards. These state actions have advanced emissions reduction technologies, enabling continued progress to cut harmful transportation pollution nationwide. Legislating away this authority

¹ <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1017626.pdf>

would preclude the use of states as laboratories of innovation, interrupting the rate of technological and clean air progress, and violating the original intent of Congress when it explicitly granted states authority to adopt their own vehicle emission standards.

H.R. 4469, The No Fuel Credits for Batteries Act of 2023, prohibits EPA from authorizing the use of credits generated by electricity for Renewable Fuel Standard (RFS) compliance, also known as the eRINs (electric renewable identification numbers) pathway. The eRINs pathway does not make any new fuels eligible for the RFS, nor does it credit batteries. It simply allows for parity between electric vehicles and internal combustion vehicles, which have been able to generate credits using existing qualified biomethane for many years.²

Rather than recognize the twin crises of unmitigated climate change³ and public health impacts from transportation pollution⁴ and the transition to zero-emission vehicles underway⁵ these bills aim to stem the tide of progress towards clean air and a healthy future. We need to move forward, not backward. These bills should be rejected outright.

Sincerely,

American Council for an Energy-Efficient Economy
Alliance of Nurses for Healthy Environments
Asthma and Allergy Foundation of America
Elders Climate Action
Environmental Defense Fund
GreenLatinos
Interfaith Power & Light
League of Conservation Voters (LCV)
Plug In America
Public Citizen
Sierra Club
Southern Environmental Law Center
Union of Concerned Scientists

CC: Members of the Energy and Commerce Committee

² <https://www.epa.gov/renewable-fuel-standard-program/approved-pathways-renewable-fuel>

³ <https://www.ipcc.ch/assessment-report/ar6/>

⁴

<https://blog.ucsusa.org/dave-reichmuth/air-pollution-from-cars-trucks-and-buses-in-the-u-s-everyone-is-exposed-but-the-burdens-are-not-equally-shared/>

⁵ <https://about.bnef.com/electric-vehicle-outlook/>