

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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June 1, 2026

MEMORANDUM

To: Members of the Subcommittee on Environment
From: Committee Majority Staff
Re: Hearing titled “Rules of the Road: Examining Legislation to Modernize the Clean Air Act’s Mobile Source Requirements”

I. INTRODUCTION

The Subcommittee on Environment will hold a legislative hearing on Wednesday, June 3, 2026, at 2:00 p.m. (ET) in 2125 Rayburn House Office Building. The hearing is entitled, “Rules of the Road: Examining Legislation to Modernize the Clean Air Act’s Mobile Source Requirements.” The hearing will review the following legislation:

- H.R. ____, DEF Monitoring Flexibility Act, (Rep. Fedorchak)
- H.R. ____, A bill to prohibit engine idling restrictions for over-the-road buses and school buses if an engine idles for less than 15 minutes, and for other purposes (TBD)
- H.R. ____, State Emissions Authority Act (Rep. Grothman)
- H.R. 2140, Diesel Emissions Reduction Act of 2025 (Rep. Matsui and Rep. Langworthy)
- H.R. 2165, Choice in Automobile Retail Sales Act (Rep. Walberg)
- H.R. 3194, Lifting Overburdensome Commerce Obstructions and Motives (LOCOMOTIVES) Act (Rep. Moolenaar)
- H.R. 6200, Eliminating Start-Stop Engine Nuisance Technologies that Impair Automobile Life (ESSENTIAL) Act (Rep. LaMalfa)
- H.R. 6250, Cold Weather Diesel Reliability Act (Rep. Begich)
- H.R. 7000, Freedom to Fuel Act (Rep. Moore)
- H.R. 8782, PLOW Snow Act (Rep. Bergman)

II. WITNESSES

- **Fred Ferguson**, President & CEO, American Bus Association;
- **Jacqueline Gelb**, President & CEO, Truck and Engine Manufacturers Association;
- **James Conde**, Parter, Boyden Gray PLLC; and
- **Katherine Garcia**, Clean Transportation for All Campaign Director, Sierra Club.

III. BACKGROUND

A. Clean Air Act Overview

This hearing continues the Subcommittee on Environment's examination of the Clean Air Act (CAA) and how modernizing the law could strengthen the economy and improve regulatory certainty while continuing to protect public health and the environment.¹ Title I of the CAA includes provisions requiring the U.S. Environmental Protection Agency (EPA) to establish national ambient air quality standards for stationary sources of air pollution. Title II of the CAA addresses mobile sources of air pollution, including emissions from new on-road and non-road vehicles and engines and fuel and fuel additives.²

Transportation is a major sector of the U.S. economy. According to the U.S. Department of Transportation, the sector contributed \$1.9 trillion to the U.S. gross domestic product in 2023.³ Approximately 20.2 billion tons of freight moves through the United States transportation network on an annual basis, including approximately 11.9 billion tons by truck and 1 billion tons by rail.⁴

Congress first authorized federal regulation of emissions from new motor vehicles and new motor vehicle engines with enactment of the Motor Vehicle Air Pollution Control Act in 1965.⁵ The law was amended in 1967 with a provision generally preempting states from issuing their own emission standards.⁶ However, that provision allowed the federal government to waive preemption for California if certain conditions were met. The law was amended again with passage of the CAA of 1970, which required the development of emission standards for passenger vehicles to limit carbon monoxide (CO), hydrocarbons, and NO_x emissions.⁷ Congress enacted the CAA of 1977, which required development of emission standards for

¹ *Short-Circuiting Progress: How the Clean Air Act Impacts Building Necessary Infrastructure and Onshoring American Innovation*, Before the Subcomm. on Env't of the H. Comm. on Energy and Commerce, 119th Cong. (2025); *From Gridlock to Growth: Permitting Reform Under the Clean Air Act*, Before the Subcomm. on Env't of the H. Comm. on Energy and Commerce, 119th Cong. (2025); see also, *The Fiscal Year 2027 Environmental Protection Agency Budget*, Before the Subcomm. on Env't of the H. Comm. on Energy and Commerce, 119th Cong. (2026), and *The Fiscal Year 2026 Environmental Protection Agency Budget*, Before the Subcomm. on Env't of the H. Comm. on Energy and Commerce, 119th Cong. (2025).

² 42 U.S.C. § 7521.

³ U.S. Department of Transportation, Bureau of Transportation Statistics, *Freight Facts and Figures* (Washington, DC: 2025).

⁴ *Id.*

⁵ P.L. 89-272, 79 Stat. 992 (Oct. 20, 1965).

⁶ P.L. 90-148, 81 Stat. 485 (Nov. 21, 1967).

⁷ P.L. 91-604, 84 Stat. 1676 (Dec. 31, 1970).

heavy-duty vehicles and allowed other states to adopt California emission standards for which a waiver of preemption had been granted.⁸ With passage of the CAA Amendments of 1990, Congress authorized additional regulation of emissions from non-road engines, and required the use of emission monitoring and onboard diagnostic equipment, among other changes.⁹

Generally under CAA section 202, EPA is required by regulation to “prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.”¹⁰ Further, standards under CAA section 202 may take effect “after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.”¹¹ EPA must also give appropriate consideration to cost, energy, and safety factors when establishing emissions control technology requirements.¹² EPA may also differentiate emission standards based on the class of vehicle, the gross vehicle weight, fuel type, horsepower, or other appropriate factor.¹³

In 2009, the EPA Administrator issued a final rule finding that “six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations. The Administrator also finds that the combined emissions of these greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas air pollution that endangers public health and welfare under CAA section 202(a).”¹⁴ As a result, between 2009 and 2022, EPA (often in coordination with the National Highway Traffic Safety Administration) issued multiple rules regulating greenhouse gas emissions, including three rounds of greenhouse gas (GHG) standards for light-duty vehicles, covering model years 2012-2026, and two rounds of GHG standards for medium- and heavy-duty trucks, covering model years 2014-2027.¹⁵ In 2009, EPA also granted California a waiver of preemption under CAA section 209 allowing the state to enforce its greenhouse gas emission standards for model year 2009 and later motor vehicles, followed by additional waivers for other state greenhouse gas regulations.¹⁶

⁸ P.L. 95-95, 91 Stat. 685 (Aug. 7, 1977).

⁹ P.L. 101-549, 104 Stat. 2399 (Nov. 15, 1990).

¹⁰ 42 U.S.C. § 7521(a).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 66496 (Dec. 15, 2009).

¹⁵ See e.g., Model Year 2012 - 2016 Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards, 75 Fed. Reg. 25324 (May 7, 2010); Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, 76 Fed. Reg. 57106 (Sept. 15, 2011); Model Year 2017 and Later Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards, 77 Fed. Reg. 62624 (Oct. 15, 2012).

¹⁶ California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California’s 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles, 74 Fed. Reg. 32744 (July 8, 2009).

In April 2024, the Biden Administration finalized so-called multipollutant regulations, that included stringent limits on GHG emissions, for light-duty and medium-duty vehicles starting with model year 2027,¹⁷ followed by separate regulations limiting GHG emissions for heavy-duty vehicles.¹⁸ The Biden Administration also granted additional waivers to California allowing it to enforce increasingly stringent GHG emission standards for different classes of motor vehicles.¹⁹

California also submitted a waiver request for its In-Use Locomotive Standards, which would have prohibited existing locomotives from operating inside California unless they met, in effect, zero-emission requirements.²⁰ The California rule would require Class I railroad companies to establish an \$800 million reserve fund to finance research into zero-emission technologies, which industry estimated would significantly impede interstate commerce and raise shipping costs that would pass billions of dollars on to consumers through the prices of everyday goods.²¹ EPA under the Biden Administration amended its procedural rules to allow it to consider California's request for a waiver of preemption.²² California withdrew the locomotives waiver request before the end of the Biden Administration.

B. Recent Activities

On June 12, 2025, President Trump signed into law three bipartisan resolutions under the Congressional Review Act (CRA),²³ disapproving three waivers of preemption for California.²⁴ As a result, these three waivers are to be treated as if they had never taken effect and the underlying regulations are preempted under the CAA.²⁵ Since August 2025, the Committee has been investigating whether California and other states continue to implement and enforce the preempted state emission standards.

On February 12, 2026, EPA rescinded the 2009 endangerment finding and repealed all GHG emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines for model years 2012 through 2027 and beyond.²⁶ EPA estimated that the rescission and repeal actions would result in more than \$1.3 trillion in savings from 2027 through 2025, including more than \$1 trillion in savings from reduced costs for new vehicles.²⁷ The preamble to EPA's

¹⁷ Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, 89 Fed. Reg. 27842 (April 18, 2024).

¹⁸ Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3, 89 Fed. Reg. 29440 (April 22, 2024).

¹⁹ See e.g., California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; Notice of Decision, 90 Fed. Reg. 642 (Jan. 6, 2025).

²⁰ California State Nonroad Engine Pollution Control Standards; In-Use Locomotive Regulation; Requests for Authorization; Opportunity for Public Hearing and Comment, 89 Fed. Reg. 14484 (Feb. 27, 2024).

²¹ See Joint Associations letter to M. Regan, Administrator of the U.S. Environmental Protection Agency, Docket No. EPA-HQ-OAR-2023-0574 (April 20, 2024).

²² Locomotives and Locomotive Engines; Preemption of State and Local Regulations, 88 Fed. Reg. 77004 (Nov. 8, 2023).

²³ 5 U.S.C. §§ 801-808.

²⁴ P.L. 119-15, P.L. 119-16, and P.L. 119-17.

²⁵ 5 U.S.C. § 801(f).

²⁶ Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, 91 Fed. Reg. 7686 (Feb. 18, 2026).

²⁷ U.S. Env't Protection Agency, Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle

final action explains, “Given the immense costs to manufacturers, auto workers, and American consumers, as well as the burden of administration placed on the EPA and other relevant Federal and State entities, it would be unreasonable to retain a regulatory program that does not materially further any statutory objective relevant to the global climate change concerns relied upon by the Agency in the 2009 Endangerment Finding.”²⁸

In May, EPA proposed reconsideration of the so-called Tier 3 standards issued in 2014 and the so-called Tier 4 standards issued in 2024 for criteria pollutants from light-duty and medium-duty vehicles.²⁹ EPA expects the proposed changes, if finalized as proposed, would result in as much as \$1.7 billion in savings and mostly small increases (less than 1 percent) in emissions of NOx, PM, volatile organic compounds (VOC), and formaldehyde.

Engine manufacturers, truck drivers, farmers, and other owners and operators of heavy-duty diesel vehicles and engines have raised concerns about aspects of emission standards that require the use of selective catalytic reduction emission controls, including the use of diesel exhaust fluid (DEF), that could result in inducements and derating of such vehicles and engines. EPA has responded with guidance to provide more flexibility, including the use of alternative sensors, that will reduce costs and downtime.³⁰

IV. LEGISLATION

The Subcommittee will discuss seven pieces of legislation to modernize mobile source provisions under the CAA.

A. H.R. ____, DEF Monitoring Flexibility Act (Rep. Fedorchak)

This legislation requires EPA to codify guidance issued on March 26, 2026, concerning the use of selective catalytic reduction emission controls, including the use of diesel exhaust fluid, and the associated use of NOx emission monitoring sensors to meet emission standards for heavy-duty engines under the CAA.

B. H.R. ____, A bill to prohibit engine idling restrictions for over-the-road buses and school buses if an engine idles for less than 15 minutes, and for other purposes.

This legislation amends CAA sections 110(a) and 304 to allow over-the-road and school buses to idle for a period of less than 15 minutes.

Greenhouse Gas Emission Standards Under the Clean Air Act, Fact Sheet: Economics, EPA 420-F-26-002 (February 2026).

²⁸ *Id.* at 7710.

²⁹ Revision of Tier 4 Criteria Pollutant Standards, Part 1: Amendments to Phase-In Schedule for Light-Duty and Medium-Duty Vehicles, 91 Fed. Reg. 28463 (May 18, 2026).

³⁰ U.S. Environmental Protection Agency, Memorandum to Manufacturers re: DEF Quality Monitoring Using Alternative Sensor Technologies (March 2026); and U.S. Environmental Protection Agency, Memorandum to Manufacturers re: Revised Guidance for Light Duty Vehicles, Heavy-Duty Diesel Engines and Nonroad Compression-Ignition (CI) Engines Using Selective Catalyst Reduction (SCR) Technologies (August 2025).

C. H.R. ____, State Emissions Authority Act (Rep. Grothman)

This legislation amends the CAA to eliminate requirements concerning state inspection and maintenance (I/M) programs for motor vehicles.

D. HR 2140, Diesel Emissions Reduction Act of 2025 (Rep. Matsui)

This legislation amends section 797(a) of the Energy Policy Act of 2005 to extend the authorization of the Diesel Emissions Reduction Act grant program to 2029.

E. H.R. 2165, Choice in Automobile Retail Sales Act (Rep. Walberg)

This legislation amends CAA section 202 to prohibit EPA from mandating any specific technology or limit the availability of new motor vehicles based on the type of engine used.

F. H.R. 3194, Lifting Overburdensome Commerce Obstructions and Motives Act or LOCOMOTIVES Act (Rep. Moolenaar)

This legislation amends CAA section 209 to clarify that California or other states are preempted from imposing their own emission regulations for locomotives, and engines used in locomotives, engaged in commerce.

G. H.R. 6200, ESSENTIAL Act (Rep. LaMalfa)

This legislation requires EPA and the Department of Transportation to rescind, repeal, and not enforce any rules or policies that require, incentivize, or promote the use of engine idle, start-stop technology.

H. H.R. 6250, Cold Weather Diesel Reliability Act (Rep. Begich)

This legislation exempts certain on-road and non-road diesel engines operating in areas with temperatures below zero degrees Centigrade or north of 59 degrees latitude from CAA emission control requirements that result in inducement-related engine derating or shutdown.

I. HR 7000, Freedom to Fuel Act (Rep. Moore)

This legislation amends CAA section 183(e) to exclude portable fuel containers from the definition of term “consumer or commercial product.”

J. HR 8782, PLOW Snow Act (Rep. Bergman)

This legislation amends CAA section 241(5) to add dedicated snow removal vehicles and machinery to the definition of the term “emergency vehicles.”

V. DISCUSSION TOPICS

- The CAA requires consideration of technological development time and costs when establishing emission standards for light-duty vehicles. How do recent EPA emission standards impact costs to drivers and consumers? How could the law be modernized to promote economic growth and technological innovation while maintaining environmental quality?
- For heavy-duty vehicle standards, the CAA requires appropriate consideration of cost, as well as energy and safety factors. How does the forced inducement and derating in heavy-duty vehicles such as trucks, farm equipment, snowplows, buses, and fire engines impact safety?
- The CAA generally preempts states from implementing their own emission standards. However, section 209 of the CAA provides EPA authority to waive preemption, allowing California to enforce its state emission standards, if certain conditions are satisfied. How has this waiver authority impacted interstate commerce and costs to drivers and consumers? How does California's air quality compare to air quality in other parts of the country?
- State implementation plans (SIPs) used to meet national ambient air quality standards are another source of regulation on mobile sources, in addition to emission standards issued under Title II of the CAA. How could the SIP process be improved to reduce burdens on states and local communities, lower costs to drivers and consumers, and maintain environmental quality?

VI. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Byron Brown and Katharine Willey of the Committee Staff at (202) 225-3641.