



September 11, 2026

The Honorable Pete Ricketts
United States Senate
Washington, DC 20510

The Honorable David Joyce
U.S. House of Representatives
Washington, DC 20515

The Honorable Jon Husted
United States Senate
Washington, DC 20510

The Honorable August Pfluger
U.S. House of Representatives
Washington, DC 20515

The Honorable Eric Schmitt
United States Senate
Washington, DC 20510

The Honorable Harriet Hageman
U.S. House of Representatives
Washington, DC 20515

Re: Support for Congressional Review Act resolutions concerning EPA's Advanced Clean Cars I preemption waiver decisions (S.J.Res.207 and H.J.Res.205; S.J.Res.208 and H.J.Res.212; S.J.Res.206 and H.J.Res.202)

Dear Senator Ricketts, Senator Schmitt, Senator Husted, Representative Joyce, Representative Hageman, and Representative Pfluger:

On behalf of the National Association of Convenience Stores (NACS), NATSO, Representing America's Travel Centers and Truck Stops, and SIGMA: America's Leading Fuel Marketers (together, "the Associations"), we write to express our support for the Congressional Review Act resolutions of disapproval recently introduced in both chambers concerning the Environmental Protection Agency's grant of a waiver of Clean Air Act preemption for the California Air Resources Board's Advanced Clean Cars I program, and its subsequent reinstatement of provisions of that waiver withdrawn in 2019, and its grant of a waiver for California's greenhouse gas emission standards for 2009 and subsequent model year new motor vehicles (the "CRA resolutions").¹ Mandating specific technologies would limit flexibility, create unintended operational challenges, and constrain innovation. We therefore urge adoption of the resolutions to preserve a technology-neutral approach to emissions standards.

The Associations' members operate the retail locations where American motorists and professional drivers refuel. They sell gasoline, diesel, biodiesel, renewable diesel, ethanol blends, compressed natural gas, and electricity from electric vehicle (EV) charging stations that have been

¹ S.J.Res.207 and H.J.Res.205 disapprove the original waiver decision. California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's Advanced Clean Car Program and a Within the Scope Confirmation for California's Zero Emission Vehicle Amendments for 2017 and Earlier Model Years, 78 Fed. Reg. 2112 (Jan. 9, 2013). S.J.Res.208 and H.J.Res.212 disapprove the reinstatement decision. California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision, 87 Fed. Reg. 14332 (Mar. 14, 2022). S.J.Res.206 and H.J.Res.202 disapprove the greenhouse gas standards waiver decision. 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).

installed alongside traditional fuel dispensers. Our members are agnostic as to which energy technology their customers select. Their interest lies in being able to offer whichever fuels and technologies the market demands, and doing so against the backdrop of a stable, uniform federal policy framework that permits them to make that judgment based on consumer behavior rather than rigid, prescriptive mandates.

The Advanced Clean Cars I (“ACC I”) waivers permitted California and other states to mandate that an escalating percentage of vehicles delivered for sale be electric vehicles.² Well-designed performance standards are technology-neutral and align economic incentives with environmental objectives. Instead of depending on one technology to act as a silver bullet, regulators should incentivize market participants to innovate and to price low-carbon alternatives competitively for consumers. The CRA resolutions would ensure that over-the-road transportation can continue to deliver substantial emissions reductions through multiple pathways without compromising the market’s ability to meet demand for any particular technology—including electrified and hydrogen-powered vehicles as they become commercially viable at scale.

The 2009 greenhouse gas waiver presents the same problem in an earlier form. That waiver permitted California to set greenhouse gas emission standards for new passenger cars and light-duty trucks beginning with the 2009 model year, and it supplied the foundation on which the Advanced Clean Cars programs were later built. Disapproving that waiver would not preclude federal greenhouse gas regulation of light-duty vehicles, which continue under a nationwide standard. It would instead confine the setting of that standard to the federal agencies Congress charged with the task, and it would remove the earliest of the waivers on which California’s later technology mandates rest.

Prescriptive mandates threaten to surrender emissions reductions available today through alternative liquid fuels that are compatible with existing vehicles and infrastructure and necessitate little to no change in consumer behavior. A regulatory framework that conditions compliance on specific technology also suppresses investment in technologies that have not yet emerged.

The consequences of Clean Air Act waivers are not confined to California. Once a waiver issues, Section 177 of the Clean Air Act permits any other state to adopt the California standards without further federal review.³ A dozen states or more have done so. A waiver granted to one state agency by one federal agency thus establishes what functions in practice as a national standard, binding on manufacturers, retailers, and consumers in states that had no meaningful opportunity to participate in the decision.

Vehicle manufacturers design, source, and distribute their products for a single North American market, and they have little reason to maintain parallel production for jurisdictions with

² California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California’s Advanced Clean Car Program and a Within the Scope Confirmation for California’s Zero Emission Vehicle Amendments for 2017 and Earlier Model Years, 78 Fed. Reg. 2112 (Jan. 9, 2013); California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision, 87 Fed. Reg. 14332 (Mar. 14, 2022).

³ Clean Air Act § 177 (42 U.S.C. § 7507).

divergent requirements. Confronted with standards that govern a substantial share of national sales, manufacturers will build the national fleet to the California specification. The composition of the light-duty fleet is therefore determined not by Congress, which has legislated directly and repeatedly in this field, but by a state regulatory body whose decisions reach consumers nationwide without a vote of their elected representatives.

The Associations thank you for your leadership on the CRA resolutions and for your continued attention to the concerns of fuel retailers. We would welcome the opportunity to discuss our members' perspective on transportation energy policy, including the market-oriented approaches that we believe will deliver more durable results for American consumers than prescriptive mandates.

Sincerely,

National Association of Convenience Stores (NACS)
NATSO, Representing America's Travel Centers and Truck Stops
SIGMA: America's Leading Fuel Marketers