

Congress of the United States
Washington, DC 20515

October 6, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden:

On August 25, 2022, the State of California's Air Resource Board (CARB) approved new regulations that would require 35 percent of all new light-duty vehicle sales to be electrified by 2026, followed by a 100 percent requirement by 2035. This means that by 2035, automakers would be prohibited from selling new vehicles that contain conventional internal combustion engines (ICEs). For this ban to go into effect, California will need to obtain from the U.S. Environmental Protection Agency (EPA) a waiver of Clean Air Act (CAA) preemption provisions. We urge you to **reject California's forthcoming request for this waiver** due to widespread concerns for the negative impact it will have on the electric grid, the need for additional power generation, the overreliance on foreign adversaries for critical minerals, and the right of Americans to choose for themselves which vehicles they wish to drive.

It is disconcerting that California is attempting to ban ICE vehicles when there have already been real world examples showing California's grid will not be able to handle the increased electric load. For example, in early September, the California Independent System Operator, which manages the grid, sent a Flex Alert to residents asking them to reduce their electricity use.¹ This included a call to set thermostats higher and avoid plugging in major appliances. Under the new ban on ICE vehicles and with the goal of full electrification, California residents may face a future where they will be unable to get to work, shop for groceries at the local market, or pick up their kids from school because they will be unable to charge their vehicles when they want or need.

These grid reliability concerns are so obvious that they cannot be ignored. Clearly, the goal of CARB's new regulation is to put California on a path towards full electrification of the on-road fleet, which would mean the state would need to be able to generate enough electricity to continuously charge 30 million registered vehicles.² If the state's electric grid is currently struggling to handle more demand for electricity, how will it be able to integrate the additional 2,250,000,000 kWhs it will need to charge its fleet (average 75 kWh electric vehicle battery)?

In addition to the severe challenges this action would present to the electric grid, it also fails to account for market realities. According to the U.S. Bureau of Transportation Statistics, there were just under 276 million registered vehicles operating in the United States in 2020.³ Through April of this year,

¹ <https://www.nytimes.com/2022/09/01/us/california-heat-wave-flex-alert-ac-ev-charging.html>.

² <https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/summary-california-vehicle-and-transportation>.

³ <https://www.bts.gov/content/number-us-aircraft-vehicles-vessels-and-other-conveyances>.

just over 2.3 million plug-in hybrid electric vehicles (PHEVs) and battery electric vehicles (BEVs) have been sold cumulatively in the United States. If the United States did go to an all-EV fleet, as California would like, then where is the plan to convert, recycle, or dispose of the 276 million registered vehicles that are already on the road? How will California stifle the preferences of Americans that would like to purchase new ICE vehicles due to their accessibility, affordability, and reliable infrastructure? These questions need answers.

Proponents of an all-EV fleet have also failed to address questions over the overreliance on hostile nations like China for the critical minerals that are necessary for the manufacture of EVs, charging stations, and batteries. In fact, China controls more than 70 percent of the world's lithium-ion battery production.⁴ While we have long supported the increased exploration and mining for critical minerals within the United States, it seems the loudest supporters of EVs are also the loudest critics of building up our nation's capacity to secure the materials right here at home. This will help shorten supply chains, which were exposed for their vulnerability during the COVID-19 pandemic, and reduce the United States' reliance on China, especially at a time when the latter is projecting military aggression in the South China Sea. Unless the intention is to make it more difficult for Americans to travel and commute, it would be simply impossible to phase out ICE vehicles without addressing these critical mineral concerns.

These issues represent a small sample of the reasons why the EPA should reject California's request for a waiver of the CAA presumption provisions. Not only are there technical and logistical barriers, but also philosophical concerns with telling the American people what products they can and cannot buy. We urge you to consider these concerns and allow them to inform EPA's final decision on the waiver.

Sincerely,



Robert E. Latta
Member of Congress



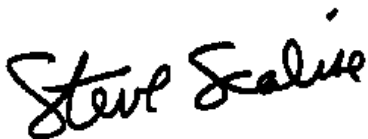
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⁴ <https://www.wsj.com/articles/u-s-mounts-a-charge-to-take-on-china-the-king-of-electric-vehicle-batteries-11611658235?page=1>.



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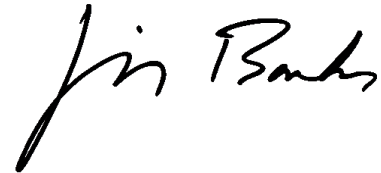
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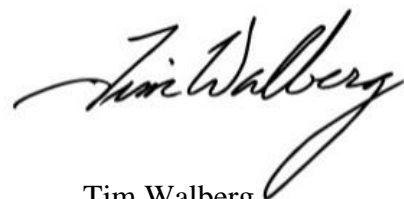
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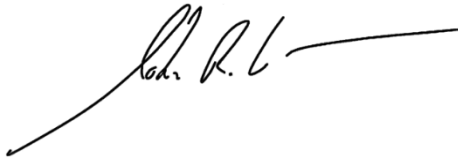
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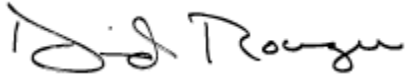
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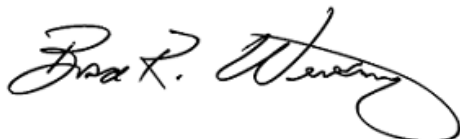
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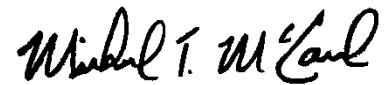
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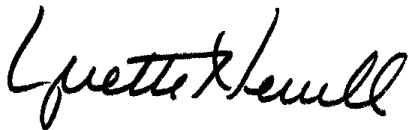
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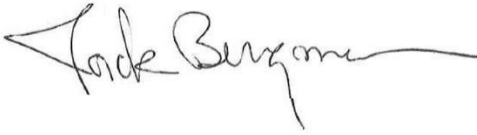
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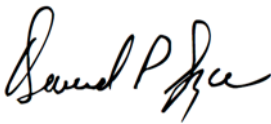
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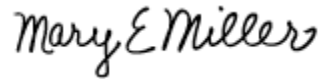
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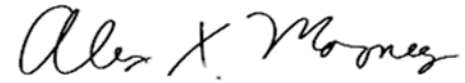
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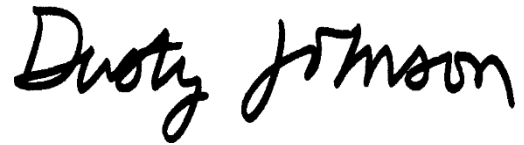
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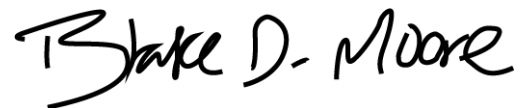
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