



Institute for
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

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STATEMENT ON CLEAN CAR STANDARDS AND CALIFORNIA'S AUTHORITY

Tomorrow, the Trump administration is expected to revoke California's longstanding authority to set its own vehicle pollution standards as a first step in its plan to weaken vehicle emissions regulations. The Institute for Policy Integrity has extensively analyzed the legal and economic issues related to this policy change, publishing a [report with in-depth analysis of EPA's lack of authority to withdraw California's preemption waiver](#), which allows the state to set its own vehicle standards. We also filed [comments](#) showing that there is no economic basis for weakening federal clean car standards.

Richard Revesz, Lawrence King Professor of Law and Dean Emeritus at NYU School of Law and director of the Institute for Policy Integrity, has released the following statement:

"This attempt to revoke California's authority has no legal basis, and it is an affront to the well-established rights of California and more than a dozen other states. The Trump administration seems to be dead-set on taking on this fight regardless of the law or the harm that legal uncertainty will cause automakers. The health of Americans will suffer greatly if this change somehow survives court challenges."

Bethany Davis Noll, litigation director at the Institute for Policy Integrity, has released the following statement:

"This move creates tremendous legal uncertainty for the auto industry. The Trump administration has been unable to produce a credible technical analysis that supports weakening clean car standards. The choice to finalize only this part of the planned rollback suggests that the technical justification is still lacking. As they wait out a lengthy court battle, car companies may have to choose between California's standards, which are equivalent to the current federal standards, and a set of weakened standards that rests on shaky legal ground."

Related Resources:

- Our [report on EPA's lack of authority to withdraw California's preemption waiver](#), which allows the state to set its own vehicle standards.
- An [op-ed on the problems with attacking California's car standards](#), by Richard Revesz and Bethany Davis Noll.
- Our [comments on the proposal to weaken vehicle emissions standards, showing that the proposal is based on a fundamentally flawed economic analysis](#).
- Our [supplemental comments on the proposal to weaken vehicle emissions standards](#).
- Our [report explaining why EPA's April 2018 decision to withdraw the Obama-era clean car standards is economically flawed](#) and unsupported by evidence.
- [Our amicus brief and expert affidavit](#) in litigation over the Trump Administration's delay of penalty adjustments for automakers that violate fuel-economy standards. The brief and affidavit calculate the forgone fuel savings of the delay and explain that the delay caused harm without a reasoned explanation.

Revesz, Davis Noll, and other members of our staff are available for interviews on this matter.

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[The Institute for Policy Integrity](#) at New York University School of Law is a non-partisan think tank dedicated to improving the quality of government decisionmaking. The institute produces original scholarly research in the fields of economics, law, and regulatory policy; and advocates for reform before courts, legislatures, and executive agencies.