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Environment & Energy

States Ride Shotgun With California to Rev Up Clean Cars Rules

By Zach Bright

Sept. 2, 2022, 6:00 AM

- 17 states poised to adopt California's rule
 - Plan phases out new gas-powered car sales by 2035
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Nearly one-third of states are poised to adopt California's new clean cars rule to fully phase out new gas-powered vehicle sales by 2035.

The change could have a sweeping impact on the 17 states signed onto California's vehicle standards and the car market across the country. In total, those states make up roughly 40% of nationwide auto sales.

California and its followers still need a waiver under the Clean Air Act from the Environmental Protection Agency to carry out the new regulation, known as Advanced Clean Cars II.

Already, officials from states including Washington, Oregon, and Vermont expressed plans to adopt the California standard by the end of the year. New York indicated in a meeting ahead of California's adoption vote that it aims to follow.

Massachusetts and Virginia—with trigger laws on the books that bind the states to California's vehicle rules—also are set to join.

But not everyone is on board.

Road to Adoption

Virginia Gov. Glenn Youngkin (R) said he wants to repeal the state's adherence to California standards.

"I am already at work to prevent this ridiculous edict from being forced on Virginians," Youngkin said in a statement. "California's out-of-touch laws have no place in our Commonwealth."

Virginia passed legislation signing onto California's standards in 2021, before Youngkin took office. Backing out would require legislation of its own.

"This wasn't imposed by California," said Trip Pollard, a senior attorney from the Southern Environmental Law Center. "This was a choice by the General Assembly and the General Assembly can choose to go back to the federal standard."

Republican state lawmakers attempted and failed this year to muscle through a repeal in the Virginia House. A future effort would be difficult to pass, especially because Democrats still control the state Senate.

Beyond Virginia, paths to adopting California's clean cars rule vary from state to state. Some can act through state agencies, some need their governor or legislature's approval, and others require a mix.

But every one would have to adopt the identical standard, according to Kathy Harris, a clean vehicles and fuel advocate at the Natural Resources Defense Council.

California's rule grants flexibilities in the form of a credit system that would enable states with less-developed electric vehicle markets to assist automakers with compliance, Harris said.

Car buyers currently have 65 electric vehicle models available to them and are expected to have another 55 options before the end of 2026, the first year of compliance.

If adopted in 2022, states would mandate 35% of new vehicle sales will have to be zero-emission or plug-in hybrid vehicles by 2026. That would allow states to cut down on vehicle emissions—and climate-warming greenhouse gases—more quickly, compared to states that wait.

States that adopt in 2023 would have to wait a year and would only be able to carry out the emissions rule for 2027 and later model year cars.

"I think that's why we're seeing a tranche of four to five states that are hoping to move forward by the end of the year so that they can get that first model year of compliance," Harris said.

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