

Chairman Palmer, Ranking Member Tonko:

Title II of the Clean Air Act traces back sixty years to the 1965 Motor Vehicle Pollution Control Act. That year, Martin Luther King marched to Selma, and the United States sent the first ground troops to Vietnam.

Most American families, 4 in 5, already owned at least one car. Most of these cars were affordable, and some were powerful. Just the year before the 1965 Act, Ford had released the iconic 1964 ½ Mustang.

These cars were cool, but not clean. They spewed black clouds of hydrocarbons, soot, and nitrogen oxides. They had no catalytic converter, no computerized engine controls, no oxygen sensor, and no fuel injection. And they were fueled using leaded gasoline, a potent neurotoxin. Diesel heavy-duty trucks were even dirtier. The result was smog.

Smog was a particularly serious problem in the Los Angeles Basin. Because of the area's sunlight, bowl-like geography, and wind patterns, the area is prone to smog ozone. As Judge Janice Rogers memorably put it, in the 1960s, "the air in the Los Angeles basin was so thick with smog that a mountain, or even a nearby mountain range, could simply disappear." *Coal. for Responsible Regul., Inc. v. EPA*, 2012 WL 6621785, at *3 (D.C. Cir. 2012) (Brown, J., dissenting from denial of rehearing en banc).

Those days are well behind us. Since 1970, manufacturers have reduced smog-forming emissions from new cars and trucks by over 99%. Leaded gasoline has disappeared from the pump. Severe smog advisories, which used to plague Southern California, have dropped to near zero. In sum, Title II has accomplished its goal. We have clean cars and trucks.

But the bureaucracies empowered by Title II keep moving the goalposts. During the last administration, EPA and California attempted to use Title II to shift the entire transportation sector to low-energy density batteries,

including everything from sedans to—I kid you not—freight trucks that need to carry tens of thousands of pounds and travel hundreds of miles per day. These standards were unachievable. Even by EPA’s accounting they would have cost over a trillion dollars and delivered negligible improvements in air quality for Americans. Fortunately, Congress stepped in and passed bipartisan legislation to block California’s electrification mandates. Still, this failed regulatory push has resulted in one of the greatest misallocations of capital in U.S. history, with over \$100 billion in write-downs of electric-vehicle investments so far.

This regulatory overreach is a good inflection point to reform Title II. Here are three suggestions.

First, Title II needs to be cleaned up. Title II is over a hundred pages long, and contains many outdated provisions and programs pertaining to vehicles and fuels in the 1970s or 1990s. Why keep provisions that have outlived their purpose?

Second, California’s waiver needs to be reformed. The extreme smog that justified the highly unusual waiver in the 1960s is a thing of the past. In my view, Congress should simply repeal California’s waiver authorities going forward for future model years, placing California on an equal footing with every other state.

Third, Title II should clearly prohibit EPA from considering electric vehicles when setting standards for internal-combustion vehicles. Seismic industrial policies should be debated and enacted, if at all, by this body, not EPA.

I welcome your questions.