

EPA Finalizes Multipollutant Vehicle Emissions Standards for Model Years 2027 through 2032

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Introduction

On March 20, 2024, EPA released a final tailpipe emissions rule that sets new, more stringent emissions standards for greenhouse gas (GHG) and criteria pollutants for light-duty and medium-duty vehicles¹ for model years (MY) 2027 through 2032 under its Clean Air Act (CAA) Section 202(a) authority.² The transportation sector is the largest source of US GHG emissions and a contributor to ozone, particulate matter, and air toxics that have harmful health effects.³ EPA states that the standards will reduce over seven billion tons of GHG emissions along with significant amounts of other criteria pollutants and air toxics,⁴ resulting in “substantial improvements in public health.”⁵

The final rule incorporates comments on the proposed rule, new information, and issues raised in ongoing litigation about EPA’s previous vehicle emissions standards to produce standards grounded in EPA’s longstanding regulatory framework that reflect technological advances underway in the automotive industry. [As we described in our summary of the proposed rule](#), EPA offered a proposed standard and three alternatives. The final rule follows the third alternative in the proposal, which has a slower ramp of stringency, especially in the early years, but results in a similar level of pollution reduction over time. The new rule will go into effect 60 days after publication in the Federal Register.

[Litigation in the DC Circuit challenging the MY 2023 to 2026 vehicle emissions standards](#) foreshadows some of the legal arguments that EPA can expect from opponents of this new rule. In anticipation of those challenges, EPA includes in the final rule direct responses to many of these arguments, including why EPA’s approach does not implicate the major questions doctrine.

In this analysis I briefly review the light-duty vehicle tailpipe standards that EPA adopts in the final rule and explain EPA’s legal authority to promulgate those standards. While this piece focuses on the legal durability of GHG and criteria pollutant standards for light-duty vehicles, the rule also includes final emissions standards for medium-duty vehicles, changes to the

¹ Medium-duty vehicles are defined as Class2b and 3 vehicles including large pickups and vans with a gross vehicle weight rating of 8,501 to 14,000 pounds.

² EPA, Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles (“Final Rule”), 40 CFR Parts 85, 86, 600, 1036, 1037, 1066, and 1068 (March 20, 2024), <https://www.epa.gov/system/files/documents/2024-03/lmdv-veh-standrds-ghg-emission-frm-2024-03.pdf>.

³ *Id.* at 8-10.

⁴ *Id.* at 54-55, Table 5.

⁵ *Id.* at 60-61.



GHG program design,⁶ new standards for refueling emissions from incomplete medium-duty vehicles,⁷ and battery durability and warranty provisions for electric and plug-in hybrid electric vehicles, and other program requirement updates.⁸ This rule for light- and medium-duty vehicle tailpipe standards is one part of EPA’s broader suite of vehicle regulations, which also includes greenhouse gas standards for heavy-duty commercial trucks and buses like delivery trucks, transit, refuse trucks, and tractor-trailers.⁹ EPA released this heavy-duty vehicle rule on March 29, 2024 and is also reviewing California’s vehicle standards waiver requests, including for the Advanced Clean Cars II program.¹⁰

Light-duty emissions standards for MY 2027 to 3032

EPA’s final rule includes performance-based emissions standards for GHG and criteria pollutants. EPA explains that under the standards, “manufacturers have the discretion to choose the mix of technologies that achieve compliance across their fleets.”¹¹ To ensure flexibility for automakers, EPA extends some credit provisions and retains the existing averaging, banking, and trading provisions, which were not reopened in this rulemaking. EPA projects several possible compliance paths for manufacturers with different mixes of vehicle types in their fleet, shown in Table 1.

EPA states that “manufacturers will make their own assessment of the vehicle market and their own decisions about which technologies to apply to which vehicles for any given model year.”¹² In addition, EPA concludes that manufacturers can meet the standards without additional zero-emission vehicles in their fleets, but this would likely not be the lowest cost option for compliance.¹³

⁶ This includes “off-cycle and air conditioning credits, the treatment of upstream emissions associated with zero-emission vehicles and plug-in hybrid electric vehicles in compliance calculations, medium-duty vehicle incentive multipliers, and vehicle certification and compliance.” *Final Rule* at 1.

⁷ The final rule will require that “incomplete medium-duty vehicles meet the same on-board refueling vapor recovery (ORVR) standards as complete vehicles.” They had not been required to meet these standards because of the “potential complexity of their fuel systems, primarily the filler neck and fuel tank.” EPA explains that “[b]ased on our updated assessment, the agency believes that the fuel system designs are almost identical, with only the ORVR components removed for the incomplete version. The complete and incomplete vehicles appear to share the same fuel tanks, lines, and filler tubes” and therefore incomplete vehicles should be able to meet the standards. *Id.* at 354-355.

⁸ The program requirement updates relate to aftermarket fuel conversions, import of vehicles and engines, evaporative emission tests, and test fuel specifications for fuel economy. *Id.* at 1.

⁹ EPA, Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles - Phase 3 (Final Rule), (March 29, 2024), <https://www.epa.gov/system/files/documents/2024-03/hd-phase3-veh-standrds-ghg-emission-frm-2024-03.pdf>.

¹⁰ See EPA, Vehicle Emissions California Waivers and Authorizations, <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations>.

¹¹ *Final Rule* at 10.

¹² *Id.* at 11.

¹³ *Id.*



Table 1: Projected New Vehicle Technology Scenarios¹⁴

ICE: Internal combustion engine; HEV: hybrid electric vehicle; PHEV: plug-in hybrid electric vehicle; BEV: battery electric vehicle

Pathway	Technology	2027	2028	2029	2030	2031	2032
Pathway A - Higher BEV	ICE	64%	58%	49%	43%	35%	29%
	HEV	4%	5%	5%	4%	3%	3%
	PHEV	6%	6%	8%	9%	11%	13%
	BEV	26%	31%	39%	44%	51%	56%
Pathway B - Moderate HEV and PHEV	ICE	62%	56%	49%	39%	28%	21%
	HEV	4%	4%	3%	6%	7%	6%
	PHEV	10%	12%	15%	18%	24%	29%
	BEV	24%	29%	33%	37%	41%	43%
Pathway C - Higher HEV and PHEV	ICE	61%	41%	35%	27%	19%	17%
	HEV	4%	15%	13%	16%	15%	13%
	PHEV	10%	17%	22%	27%	32%	36%
	BEV	24%	26%	30%	31%	34%	35%

EPA notes that its modeling “confirms that manufacturers are likely to continue to offer vehicles with a diverse range of technologies, including advanced gasoline technologies as well as zero- and near-zero emission vehicles for the duration of these standards and beyond.”¹⁵ Given litigation in the DC Circuit arguing that the previous rule forces electrification, EPA clearly demonstrates in this new final rule and specifically with the scenarios in Table 1 that manufacturers can choose how to comply, there are many pathways to compliance with different mixes of vehicle technologies, and battery electric vehicles are not the only compliance option.

Greenhouse Gases

The final light-duty vehicle standards become more stringent each year from MY 2027 through 2032, resulting in an “industry-wide average target for the light-duty fleet of 85

¹⁴ *Id.* at 47, Table 3.

¹⁵ *Id.* at 11.



grams/mile (g/mile) of CO₂” in MY 2032.¹⁶ EPA projects that the standards will “reduce the fleet average GHG emissions target levels by nearly 50 percent from the MY 2026 standards.”¹⁷ The standards have the same target CO₂ levels as the proposal, but have a more linear ramp rate—accomplished by a slower increase in the rate of stringency in the early years.¹⁸ Table 2 shows the final rule’s standards for CO₂ compared to the current and proposed rule’s standards.

Table 2: Comparing Current, Proposed, and Final EPA GHG Standards (CO₂ grams per mile)¹⁹

Model Year	Current EPA Standards CO ₂ (g/mile)	Proposed Standards CO ₂ (g/mile)	Final Standards CO ₂ (g/mile)
2023	202		
2024	192		
2025	179		
2026	161		
2027		152	170
2028		131	153
2029		111	136
2030		102	119
2031		93	102
2032		82	85

EPA explains how the more linear ramp will provide flexibility, as requested by stakeholders:

“[T]he final standards were developed in response to public comments, including those from the auto industry and labor groups which expressed concern that the proposed standards were challenging especially in the early years of the program. For example, many automakers expressed concern that more lead time was necessary in MYs 2027-2029 to allow for the necessary scale up of battery supply chains and PEV manufacturing.

¹⁶ *Id.* at 43.

¹⁷ *Id.* at 195.

¹⁸ *Id.* at 194.

¹⁹ *Id.* at 377, Table 60. For current standards, *see* EPA, Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards, 86 Fed. Reg. 74434, (Dec. 30, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-12-30/pdf/2021-27854.pdf>. For proposed standards, *see* EPA, Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles (Proposed Rule), 88 Fed. Reg. 29184, Table 10 (May 5, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-05-05/pdf/2023-07974.pdf>.



The changes from the proposal address this concern by providing significant additional lead time.”²⁰

EPA notes that manufacturers will have additional flexibility with compliance due to extended phase-downs of off-cycle²¹ credits and air conditioning leakage credits, which it states will “help to address lead time issues in the early years of the program, by providing additional paths for automakers to earn GHG credits that contribute to compliance.”²² Table 3 shows the projected level of plug-in electric vehicle adoption based on the final standards compared to the current standards and business as usual (“no action case”).

Table 3: GHG Standards and Projected Plug-in Electric Vehicle Adoption²³

Plug-in electric vehicles (PEVs) include plug-in hybrid vehicles and battery electric vehicles

Model Year	Current EPA Standards CO ₂ (g/mile)	Current EPA Standards % PEV	Final Standards CO ₂ (g/mile)	Final Standards % PEV	No Action Case % PEV
2023	202	7%			
2024	192	10%			
2025	179	14%			
2026	161	17%			
2027			170	32%	31%
2028			153	37%	33%
2029			136	46%	37%
2030			119	53%	39%
2031			102	61%	42%
2032			85	68%	47%

Criteria pollutants

EPA also finalizes revised standards for non-methane organic gases (NMOG) plus nitrogen oxides (NO_x) that will lower to a fleet average level of 15 milligrams per mile (mg/mile) by MY 2032, which is 50 percent reduction from the existing MY 2025 standards.²⁴ EPA is also reducing the particulate matter (PM) standards to 0.5 mg/mile. EPA notes that “[t]hrough the application of readily available emissions control technology and requiring compliance across the broad range of driving conditions,” the standards will cut tailpipe PM emissions

²⁰ Final Rule at 194.

²¹ Off-cycle refers to components not captured by EPA’s testing procedures that reduce the GHG emissions of the vehicle (e.g., efficient headlights that use less energy). *See* 40 CFR § 86.1869-12.

²² Final Rule at 44.

²³ *Id.* at 212, Table 19; 673, Tables 75 and 76. For current standards in 2021 rule, *see* EPA, Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards, 86 Fed. Reg. 74434, (Dec. 30, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-12-30/pdf/2021-27854.pdf>.

²⁴ Final Rule at 50.



from internal combustion engine vehicles by over 95 percent and reduce air toxics emissions.²⁵

Emissions reductions, health benefits, and costs

EPA projects that the GHG and criteria pollutant standards will reduce over seven billion tons of GHG emissions from 2027 to 2055 along with considerable reductions in criteria pollutants and air toxics.²⁶ EPA projects that these emissions reductions will result in “substantial improvements in public health and welfare,” including monetized public health benefits of \$16 billion to \$36 billion with a 2 percent discount rate.²⁷

In terms of environmental justice impacts, EPA explains that “[t]he decreases in vehicle emissions will reduce traffic-related pollution in close proximity to roadways,” which are areas that are more likely to be inhabited by communities of color or lower income communities.²⁸ At the same time, EPA notes that it anticipates that “in some localized areas, increased electricity generation will increase ambient SO₂, PM_{2.5}, ozone, or some air toxics,” but that as “the power sector becomes cleaner over time,” these effects will diminish.²⁹

EPA estimates that the standards will result in net benefits of \$99 billion through 2055, using a two percent discount rate.³⁰ EPA explains that the costs and benefits of the rule “are not determinative but do reinforce sense that standards are appropriate.”³¹ This includes annualized emissions benefits of \$85 billion.³² The savings for consumers related to vehicle maintenance and repair are estimated to be \$16 billion³³ and EPA projects that consumers will save money over time, with a lifetime savings of \$8,000 for a MY 2032 electric vehicle.³⁴ EPA estimates that energy security benefits through 2055 are \$2.1 billion.³⁵

Legal authority and ongoing litigation

Legal authority

CAA Section 202(a) requires EPA to prescribe “standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which ... cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.”³⁶ EPA must consider timing, technology, and cost in

²⁵ *Id.* at 50-51.

²⁶ *Id.* at 53-55, Tables 5-7.

²⁷ *Id.* at 60-61.

²⁸ *Id.* at 55-56; 853-874.

²⁹ *Id.*

³⁰ *Id.* at 59, Table 8.

³¹ *Id.* at 53.

³² *Id.* at 57 and 59, Table 8.

³³ *Id.* 58 and 59, Table 8.

³⁴ *Id.* at 61.

³⁵ *Id.* at 59, Table 8.

³⁶ 42 U.S.C. § 7521(a)(1).



setting standards.³⁷ In the final rule, EPA emphasizes its authority under the CAA to set standards and its over fifty years of issuing vehicle emissions regulations.³⁸ It includes these regulations as part of a “longstanding approach of establishing an appropriate and achievable trajectory of emissions reductions by means of performance-based standards.”³⁹

In addition to EPA’s legal authority and regulatory history, the agency explains that the Inflation Reduction Act (IRA) and the Bipartisan Infrastructure Law (BIL) underscore EPA’s authority to promulgate a rule that incorporates electric vehicles as a possible compliance pathway. While EPA does not rely on these recently passed laws for legal authority in proposing the rule, it notes that recent Congressional actions provide additional legal support for the agency’s approach and facilitate the transition to a cleaner fleet.⁴⁰ EPA notes that these two laws “together provide further support for a government-wide approach to reducing emissions by providing significant funding and support for emissions reductions across the economy, including specifically, for the component technology and infrastructure for the manufacture, sales, and use of zero- and near-zero emission vehicles.”⁴¹

EPA explains that in setting the standards, it has “carefully considered the statutory factors, including technological feasibility and cost of the standards and the available lead time for manufacturers to comply with them.”⁴² It explains that the final standards are “technologically feasible and that the costs of compliance for manufacturers will be reasonable” while achieving “significant reductions in emissions” and “significant benefits for public health and welfare.”⁴³ It concludes that the standards are “appropriate and justified” under its statutory authority.⁴⁴

EPA also explains that the regulatory framework has a long history of embracing evolving technology and associated emissions reductions, noting that “[t]he levels of stringency for the standards established in this rule continue the trend of increased emissions reductions which have been adopted by prior EPA rules.”⁴⁵ The final rule discusses the history of the

³⁷ “Any regulation . . . of this subsection (and any revision thereof) shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.” 42 U.S.C. § 7521(a)(2).

³⁸ “Since 1971, EPA has, at Congress’ direction, been setting emissions standards for motor vehicles.” Final Rule at 141.

³⁹ *Id.* at 14.

⁴⁰ Quoting Representative Frank Pallone, EPA explains that the IRA “‘reinforces the longstanding authority and responsibility of [EPA] to regulate GHGs as air pollutants under the Clean Air Act,’ and ‘the IRA clearly and deliberately instructs EPA to use’ this authority by ‘combin[ing] economic incentives to reduce climate pollution with regulatory drivers to spur greater reductions under EPA’s CAA authorities.’” *Id.* at 170.

⁴¹ Final Rule at 15. EPA also explains that “Congressional passage of the BIL and IRA represent pivotal milestones in the creation of a broad-based infrastructure instrumental to the expansion of clean transportation, including light- and medium-duty zero-emission vehicles, and we have taken these developments into account in assessing the feasibility of the standards.” *Id.* at 31-32.

⁴² *Id.* at 12.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 14.



vehicle innovations prompted by CAA regulation, including the catalytic converter, unleaded fuel, and other developments.⁴⁶

Challenge to earlier rule in DC Circuit

While EPA worked to finalize this rule, states and industry groups sought to overturn the vehicle emissions standards for MY 2023 through 2026 in the DC Circuit. The case, *Texas v. EPA*, provides an additional set of legal considerations for the agency in promulgating the rule. EPA's final rule reflects an awareness of these legal arguments and articulates EPA's defense of its authority in anticipation of similar challenges being raised for these new standards.⁴⁷

In *Texas v. EPA*, the case challenging the MY 2023 to 2026 tailpipe standards, a group of 15 states led by Texas and industry groups including fuel manufacturers and agriculture trade groups⁴⁸ argue that the rule implicates the major questions doctrine because it would drive electrification of the vehicle fleet.⁴⁹ They contend that EPA lacks clear Congressional authorization for the rule and raise objections under the Administrative Procedure Act (APA) regarding EPA's inclusion of electric vehicles in its fleetwide averaging policies.

EPA and intervenors, which include the Alliance for Automotive Innovation, a group of 42 car companies representing nearly all the vehicles sold in the US,⁵⁰ argue that the petitioners lack standing, fail to state a claim which the court can remedy, and fail to raise their challenge within the CAA's 60-day window. On the merits, they argue that the rule does not trigger the major questions doctrine given EPA's longstanding regulation of the auto industry under CAA section 202(a). The Alliance for Automotive Innovation argues that this rule is consistent with EPA's decades-long approach and underscores the fact that industry is already making a shift to electrification on its own, noting that "however this litigation concludes, widespread vehicle electrification is inevitable. The auto industry is already rapidly deploying electric vehicles in their U.S. sales fleets even apart from the Final Rule."⁵¹

⁴⁶ *Id.*

⁴⁷ This case is being considered alongside two other challenges to clean car regulations: *Ohio v. EPA*, which challenges EPA's reinstatement of California's waiver, and *Texas v. NHTSA*, which challenges whether the National Highway Traffic Safety Administration (NHTSA) can consider electrification in setting fuel economy standards. *State of Ohio et al. v. EPA*, Docket No. 22-01081 (DC Cir.); *State of Texas et al. v. NHTSA*, Docket No. 22-01144 (DC Cir.).

⁴⁸ Automakers are not part of the group challenging these standards. The Alliance for Automotive Innovation, a group of automakers, is an intervenor defending the rule.

⁴⁹ *Texas et al. v. EPA*, Docket. No. 22-01031 (DC Cir.).

⁵⁰ The intervenors include a group of states, municipalities, and environmental nonprofits; energy companies and other industry groups including the National Coalition for Advanced Transportation, Calpine Corporation, National Grid USA, New York Power Authority and Power Companies Climate Coalition.

⁵¹ Alliance for Automotive Innovation Brief at 3, *Texas et al. v. EPA*, Docket. No. 22-01031 (DC Cir.).



Oral argument

Oral argument in *Texas v. EPA* in September 2023 focused on both justiciability and major questions. On the question of justiciability, Judge Srinivasan raised the issues of timeliness, including the idea that this regulation is “just repeating what a rule in the same area has done before” and the concerns should have been raised at that time, and preservation, including why the petitioners did not raise the major questions doctrine concept to the agency.⁵² On major questions, the judges questioned whether the rule does force electrification, with Judge Pan raising the fact that Subaru planned to meet the standards without electric vehicles as possible evidence that the regulations are not an electrification mandate for automakers.⁵³ The judges also considered whether the rule could be considered arbitrary and capricious under the APA based on the levels at which the standards were set, which Judge Katsas described as “the question of degree.”⁵⁴

In this new final rule for MY 2027 to 2032, EPA anticipates and responds to the critiques raised in the DC Circuit case, which are likely to come up in legal challenges to these new standards. EPA discusses (1) why the rule does not implicate the major questions doctrine, (2) EPA’s authority for the Averaging, Banking, and Trading (ABT) program, and (3) why EPA was justified in considering battery electric vehicles with other types of vehicles in setting standards.⁵⁵

Major questions doctrine

EPA addresses opponents’ argument that tailpipe regulations trigger the major questions doctrine, which it says opponents “intertwine[]” with an argument about the rule forcing electrification.⁵⁶ While the major questions doctrine was not raised in the record in the earlier rulemaking and therefore EPA did not have the opportunity to address it, petitioners raised it in the litigation and commenters raised it in this rulemaking. EPA directly addresses those comments in this final rule. First, EPA explains that it is “acting within the heartland of its statutory authority and faithfully implementing Congress’s precise direction and intent.”⁵⁷ It describes its “clear Congressional authorization” to consider evolving pollution control technologies, which includes electric vehicle technologies, and update the standards.⁵⁸ Second, EPA explains that this is not a “novel” use of its authority. Rather, “EPA has been regulating emissions from motor vehicles based upon the availability of feasible technologies to reduce vehicle emissions for over five decades” and has “developed great

⁵² *Texas et al. v. EPA*, Oral Argument (Sept. 14, 2023), <https://www.edf.org/sites/default/files/2023-11/Texas%20-%20Oral%20Argument%20Transcript.pdf>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Final Rule at 176.

⁵⁶ *Id.* at 177.

⁵⁷ *Id.*

⁵⁸ *Id.* at 178.



expertise” in this area as reflected in the administrative record.⁵⁹ The agency notes that courts have also “recognized the agency’s authority” in this regulatory space.⁶⁰ Third, the agency argues that “this rule does not involve decisions of vast economic and political importance exceeding EPA’s delegated authority.”⁶¹ Specifically, EPA explains that the rule does not force electrification on automakers and that the regulatory burdens are reasonable and consistent with past regulations under CAA Section 202.⁶² The three regulatory pathways depicted in Table 1 provide further evidence that EPA has set standards that allow manufacturers to choose their own route to compliance.

Averaging, Banking, and Trading

EPA responds to criticism that the ABT program and fleetwide averaging exceed its authority. It notes that “EPA has long employed fleetwide averaging and ABT compliance provisions, particularly with respect to the GHG and NMOG+NO_x standards.”⁶³ However, it explains that in this rulemaking, EPA did not reopen the ABT regulations except for a few specific changes, and therefore challenges to the ABT program are “beyond the scope of the rulemaking.”⁶⁴

Treatment of battery electric vehicles as part of regulated class

Finally, EPA addresses the argument that battery electric vehicles should not be part of the regulated class in setting standards because they do not emit the “relevant” air pollutants.⁶⁵ First, EPA explains that this argument misreads the statutory text, because “Section 202(a)(1)’s focus on regulating emissions from ‘class or classes’ indicates that Congress was concerned by the air pollution problem generated by a class of vehicles, as opposed to from individual vehicles.”⁶⁶ EPA explains that it is authorized to regulate classes of vehicles, for example passenger cars and light-duty trucks, that contribute air pollution.⁶⁷ It also notes that the “broader statutory scheme” provides support for this approach, as “Congress understood that the standards may be premised on and lead to technologies that prevent pollution in the first place” and that “[i]t would be perverse to conclude that in a scheme intended to control the emissions of dangerous pollution, Congress would have prohibited EPA from premising its standards on controls that completely prevent pollution, while also permitting the agency to premise them on a technology that reduces 99 percent of

⁵⁹ *Id.*

⁶⁰ *Id.* at 179.

⁶¹ *Id.*

⁶² *Id.* at 180-181.

⁶³ *Id.* at 187.

⁶⁴ *Id.* at 188.

⁶⁵ *Id.* at 190.

⁶⁶ *Id.* at 191.

⁶⁷ *Id.*



pollution.”⁶⁸ In addition, EPA explains that electric vehicles do in fact create emissions, for example from break and tire wear and air conditioning.⁶⁹

Looking Ahead

EPA’s final rule responds to the issues raised in ongoing clean car rule litigation as well as commenters’ suggestions on ways to design a durable rule that reflects market trends. The auto industry signaled support for the flexibility incorporated in the final rule, with the Alliance for Automotive Innovation noting that while the “future is electric,” the rules are “mindful of the importance of choice to drivers and preserves their ability to choose the vehicle that’s right for them.”⁷⁰ Nonetheless, legal challenges are expected and Congressional attempts to repeal the rule are underway. The rule will be effective 60 days after publication in the Federal Register. EELP will provide updates on our [Clean Cars Rules Tracker Page](#).

⁶⁸ *Id.* at 192.

⁶⁹ *Id.* at 193.

⁷⁰ Alliance for Automotive Innovation, Press Release (March 20, 2024), <https://www.autosinnovate.org/posts/press-release/epa-greenhouse-gas-emissions-and-criteria-pollutant-rules-statement>.