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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA—SACRAMENTO

UNITED STATES OF AMERICA and UNITED STATES DEPARTMENT OF TRANSPORTATION, Plaintiffs, v. CALIFORNIA AIR RESOURCES BOARD and STEVEN S. CLIFF, in his official capacity as the Executive Officer of the California Air Resources Board, Defendants.	Case No. 2:26-cv-00847-DJC-SCR **NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* OF THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT** Date: October 8, 2026 Time: 1:30 p.m. Place: Courtroom 7, 14th Floor

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on October 8, 2026 at 1:30 p.m., or as soon thereafter as the matter may be heard, before the Honorable Daniel J. Calabretta, United States District Judge, in in the Robert T. Matsui Federal Courthouse, in Courtroom 7, 14th Floor, the undersigned *amicus curiae*—the Chamber of Commerce of the United States of America—will and hereby does move this Court for an order authorizing the submission of the accompanying brief *amicus curiae* supporting the federal Plaintiffs' Motion For Summary Judgment (ECF No. 43), for the reasons set forth below.

Dated: August 19, 2026

Respectfully Submitted,

By: */s/ Elizabeth Holt Andrews*

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MEMORANDUM OF POINTS AND AUTHORITIES

The Chamber of Commerce of the United States of America is the world's largest business organization. As the nation's leading advocate for business, the Chamber represents companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files briefs *amicus curiae* in cases, like this one, that raise issues of concern to the nation's business community.

"Generally, courts have exercised great liberality in permitting an amicus curiae to file a brief in a pending case." *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991) (quoting *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990)). "'An amicus brief should normally be allowed' when, among other considerations, 'the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.'" *Foothill Church v. Watanabe*, 623 F. Supp. 3d 1079, 1084 (E.D. Cal. 2022) (quoting *Cmty. Ass'n for Restoration of Env't (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999)); *see also NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) ("District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved . . . ." (citation omitted)).

As discussed further in the proposed brief *amicus curiae*, the federal plaintiffs' motion for summary judgment presents a significant question regarding the scope of the express preemption provision of the Energy Policy and Conservation Act ("EPCA"). No federal appellate court has opined on this question, and resolution of this question will determine whether automotive manufacturers must comply with a uniform, predictable, and national regulatory regime governing fuel economy and greenhouse gas emissions or instead face a fractured regime of regulation in this area. In this and other contexts, the

Chamber and its members greatly benefit from uniform, federal rules that advance important societal and statutory objectives such as environmental protection while providing a consistent nationwide regulatory regime that takes appropriate account of economic considerations. The importance of the question presented by this motion accordingly extends far "beyond the parties directly involved." *NGV Gaming*, 355 F. Supp. 2d at 1067.

The Chamber possesses significant legal and policy expertise that enables it to advise the Court on the issues beyond the parties' advocacy. The Chamber regularly files *amicus* briefs that offer a broader point of view on the importance of federal preemption of inconsistent state-law regulations in establishing consistent, predictable nationwide markets in a variety of contexts. *See, e.g.*, *Monsanto Co. v. Durnell*, 609 U.S. ---, 146 S. Ct. 2001 (2026); *Cantero v. Bank of Am., N.A.*, 602 U.S. 205 (2024); *Puerto Rico v. Franklin Cal. Tax-Free Tr.*, 579 U.S. 115 (2016); *Gobeille v. Liberty Mut. Ins. Co.*, 577 U.S. 312 (2016); *Nw., Inc. v. Ginsberg*, 572 U.S. 273 (2014); *Nat'l Meat Ass'n v. Harris*, 565 U.S. 452 (2012); *Williamson v. Mazda Motor of Am., Inc.*, 562 U.S. 323 (2011); *Bruesewitz v. Wyeth LLC*, 562 U.S. 223 (2011); *Altria Grp., Inc. v. Good*, 555 U.S. 70 (2008). And with regard to this case in particular, the Chamber has long advocated for a uniform, national, and achievable standard for regulating automobile emissions. *See, e.g.*, Chamber of Com. of the U.S., Comment Letter in Support of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III (Feb. 2, 2026) ("*Chamber Comment*"), https://www.regulations.gov/comment/NHTSA-2025-0490-0030; Chamber of Com. of the U.S., *U.S. Chamber Applauds Fuel Economy Standard Revisions* (Dec. 3, 2025), https://www.uschamber.com/energy/u-s-chamber-applauds-fuel-economy-standard-revisions; Chamber of Com. of the U.S., *U.S. Chamber Statement on Revised Vehicle Fuel Economy Standards* (Mar. 31, 2020), https://www.uschamber.com/regulations/us-chamber-statement-revised-vehicle-fuel-economy-standards. Finally, the proposed brief contains less than fifteen pages of substantive argument. No counsel for any party authored this brief in whole or in part, and no entity or person, aside from *amicus curiae*, its members, or its counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

Counsel for *amicus curiae* has notified the parties of its intent to seek leave to file the proposed brief. Plaintiffs consent to this filing. Defendants oppose it at this time because Defendants contend that summary judgment proceedings should be deferred until after the pending Motion to Dismiss (ECF No. 35) is resolved, as Defendants stated in the pending Motion for Administrative Relief (ECF No. 44).

For these reasons, the Chamber respectfully requests that this Court grant it leave to file the proposed brief *amicus curiae*, a copy of which is appended hereto.

Dated: August 19, 2026

Respectfully Submitted,

By: */s/ Elizabeth Holt Andrews*

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA—SACRAMENTO

UNITED STATES OF AMERICA and UNITED STATES DEPARTMENT OF TRANSPORTATION, Plaintiffs, v. CALIFORNIA AIR RESOURCES BOARD and STEVEN S. CLIFF, in his official capacity as the Executive Officer of the California Air Resources Board, Defendants.	Case No. 2:26-cv-00847-DJC-SCR **BRIEF OF *AMICUS CURIAE* THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: October 8, 2026 Time: 1:30 p.m. Place: Courtroom 7, 14th Floor

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IDENTITY AND INTEREST OF AMICUS CURIAE[1]

The Chamber of Commerce of the United States of America is the world's largest business organization. As the nation's leading advocate for business, the Chamber represents companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files *amicus curiae* briefs in cases, like this one, that raise issues of concern to the nation's business community.

The Chamber and its members greatly benefit from uniform, federal rules that advance important societal and statutory objectives such as environmental protection while providing a consistent nationwide regulatory regime that takes appropriate account of economic considerations. The Chamber thus regularly files amicus briefs that offer a broader point of view on the importance of federal preemption of inconsistent state-law regulations in establishing a consistent, predictable nationwide market. *See, e.g.*, *Monsanto Co. v. Durnell*, 609 U.S. ---, 146 S. Ct. 2001 (2026); *Cantero v. Bank of Am., N.A.*, 602 U.S. 205 (2024); *Puerto Rico v. Franklin Cal. Tax-Free Tr.*, 579 U.S. 115 (2016); *Gobeille v. Liberty Mut. Ins. Co.*, 577 U.S. 312 (2016); *Nw., Inc. v. Ginsberg*, 572 U.S. 273 (2014); *Nat'l Meat Ass'n v. Harris*, 565 U.S. 452 (2012); *Williamson v. Mazda Motor of Am., Inc.*, 562 U.S. 323 (2011); *Bruesewitz v. Wyeth LLC*, 562 U.S. 223 (2011); *Altria Grp., Inc. v. Good*, 555 U.S. 70 (2008). And with regard to this case in particular, the Chamber has long advocated for a uniform, national, and achievable standard for regulating automobile emissions. *See, e.g.*, Chamber of Com. of the U.S., Comment Letter in Support of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III (Feb. 2, 2026) ("*Chamber Comment*"), https://www.regulations.gov/comment/NHTSA-2025-0490-0030;

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[1] No counsel for any party authored this brief in whole or in part and no entity or person, aside from the Chamber, its members, or its counsel, made any monetary contribution intended to fund the preparation or submission of this brief. The Chamber is simultaneously filing a motion for leave to submit this brief *amicus curiae*.

Chamber of Com. of the U.S., *U.S. Chamber Applauds Fuel Economy Standard Revisions* (Dec. 3, 2025), https://www.uschamber.com/energy/u-s-chamber-applauds-fuel-economy-standard-revisions; Chamber of Com. of the U.S., *U.S. Chamber Statement on Revised Vehicle Fuel Economy Standards* (Mar. 31, 2020), https://www.uschamber.com/regulations/us-chamber-statement-revised-vehicle-fuel-economy-standards.

The Chamber has a strong interest in the legal and the policy issues underlying this case, including issues related to climate change. The global climate is changing, and human activities contribute to those changes. There is much common ground on which all sides could come together to address climate change with policies that are practical, flexible, predictable, and durable, maintaining the national and international competitiveness of U.S. industry and ensuring consistency with free enterprise and free trade principles. *See* Chamber of Com. of the U.S., *Our Approach to Climate Change*, https://www.uschamber.com/climate-change/our-approach-to-climate-change (Apr. 19, 2020). Durable climate change policy must be made by the federal government, which should encourage innovation and investment to reduce emissions and improve economic resilience and cleaner energy deployment across the globe. Policies aimed at achieving climate change goals should not be accomplished through inconsistent state regulations that would do more harm than good.

As set forth in the motion for leave to file accompanying this brief, the Chamber is well positioned to advise the Court on the issues presented in this case, and this *amicus curiae* brief will assist the Court in evaluating the First Amended Complaint and the United States' Motion for Summary Judgment.

INTRODUCTION AND SUMMARY OF ARGUMENT

For over fifty years, American automotive policy has achieved remarkable successes, enabling manufacturers to improve their fleets' quality by reducing pollutant emissions and increasing fuel economy and overall air quality, all while delivering better automobile safety, performance, and value for consumers. Automakers can most effectively build on these successes if they are subject to one uniform set of fuel-economy and emissions standards that govern the nationwide market. New cars cannot be designed and built overnight. Rather, "vehicle development and manufacturing involve long planning horizons, large fixed investments, and complex supply chains." *Chamber Comment* at 1. Automakers require "[a] stable and balanced regulatory environment" applied consistently across the national market, to enable crucial "long-term investments." *Id.* at 3–4. That progress is jeopardized if automakers must grapple with fuel-economy and emissions standards imposed by state regulators, including by making "irreversible investments necessary for compliance" with such state-imposed standards. First Am. Compl., ECF No. 27, ¶ 12. The resulting disuniformity and uncertainty would divert scarce resources to address inconsistent and even duplicative regulatory requirements without regard to market demand, increasing the already high costs of compliance and stymieing innovation.

To prevent such problems, Congress mandated a unified, nationwide regulatory framework for fuel economy in the Energy Policy and Conservation Act ("EPCA"). EPCA charges the National Highway Traffic Safety Administration ("NHTSA") with establishing national Corporate Average Fuel Economy ("CAFE") standards that apply to new motor vehicles manufactured each model year. 49 U.S.C. § 32902; *see* The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 2031 Passenger Cars and Light Trucks, 90 Fed. Reg. 56,438, 56,586 (proposed Dec. 5, 2025) (to be codified at 49 C.F.R. pts. 523, 531, 533, 536, 537) (*SAFE III*). To enable NHTSA to create a uniform regulatory framework that applies equally to all manufacturers across the country, Congress also enacted an express preemption provision that unambiguously bars adoption or enforcement of any state "law or regulation related to fuel economy standards or average fuel economy standards." 49 U.S.C. § 32919(a).

The California Air Resources Board ("CARB") has attempted to undermine the EPCA-mandated uniform framework by enacting and enforcing its own regulations, but

EPCA's express preemption provision prohibits this end run around Congress pursuant to the Supremacy Clause. U.S. Const. art. VI, cl. 2. CARB's regulations restricting vehicle manufacturers from exceeding tailpipe carbon-dioxide emissions limits across their fleets, Cal. Code Regs. tit. 13, §§ 1961.3, 1961.3.1 (the "carbon-dioxide standards"), are unenforceable because they are "related to" the CAFE standards that EPCA mandates. The Supreme Court has long recognized that preemption statutes employing the same "related to" formulation that appears in EPCA have expansive reach, encompassing any state laws that have any "connection with, or reference to" the federal statute's subject matter. *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 384 (1992).

CARB's carbon-dioxide standards have this requisite connection with EPCA's fuel-economy standards because of the scientific reality that vehicle carbon-dioxide emissions cannot be reduced by any means other than reducing fuel combustion, which increases vehicle fuel economy. Indeed, compliance with both fuel-economy and carbon-dioxide emissions standards is assessed by measuring carbon-dioxide emissions. Regulating fuel economy is functionally the same as regulating carbon-dioxide emissions, and vice versa. *See* First Am. Compl., ECF No. 27, ¶¶ 41–44; Mem. Supp. Summ. J., ECF No. 43-1, 3–4; 7–8. Although CARB has pointed to preemption waivers issued by a separate agency under a separate statute to justify CARB's continued enforcement of state-law emissions standards, *see* First Am. Compl., ECF No. 27, ¶¶ 62–63, Congress has already disapproved three of those waivers,[2] and in any event, those waivers are irrelevant to EPCA's independent preemption of CARB's regulations. CARB has no basis for continuing to enforce the carbon-dioxide standards, or developing and implementing a new set of even more restrictive standards. *See* First Am. Compl., ECF No. 27, ¶¶ 66, 68–69.

Applying EPCA's broad preemption provision here also honors Congress' policy choice of mandating nationwide uniformity in fuel-economy standards and promotes a

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[2] *See* H. J. Res. Nos. 87, 88, 89, 119th Cong., 1st Sess. (2025).

robust, national automotive market with continued, sustained gains in fuel economy and air quality. Since Congress first enacted EPCA and required national fuel-economy standards fifty years ago, American automobile manufacturers have significantly improved fuel efficiency and reduced emissions—due, in large part, to a predictable, nationally applicable regulatory environment. A fractured regime of fuel-economy regulation undermines these successes.

ARGUMENT

I. EPCA preempts CARB's carbon-dioxide standards, which are "related to" fuel-economy standards.

A. "Congress has the power to preempt state law," *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 372 (2000), under the Constitution's Supremacy Clause, U.S. Const. art. VI, cl. 2. When Congress preempts state law expressly by statute, a court's only remaining "task is to 'identify the domain expressly pre-empted.'" *Dan's City Used Cars, Inc. v. Pelkey*, 569 U.S. 251, 260 (2013) (quoting *Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525, 541 (2001)). In such instances, courts "do not invoke any presumption against pre-emption but instead focus on the plain wording of the clause, which necessarily contains the best evidence of Congress' pre-emptive intent," *Franklin*, 579 U.S. at 125 (quoting *Chamber of Com. of the U.S. v. Whiting*, 563 U.S. 582, 594 (2011)), as well as the substance and breadth of such preemption, *see Morales*, 504 U.S. at 383.

In *Morales*, the Supreme Court emphasized that when Congress uses the phase "relating to" in a preemption provision, courts must give that provision a broad construction. There, the Supreme Court addressed a provision of the Airline Deregulation Act "prohibiting the States from enforcing any law '*relating to* rates, routes, or services' of any air carrier." 504 U.S. at 378–79 (quoting 49 U.S.C. § 1305(a)(1)) (emphasis added). In interpreting "relating to," the Court stressed that the "ordinary meaning of these words is a broad one" and that they necessarily "express a broad pre-emptive purpose." *Id.* at 383.

The Court reviewed its cases construing "relating to" preemption clauses in other federal statutes, explaining that such clauses have a "broad scope" and "an expansive sweep"; they are "broadly worded," "deliberately expansive," and "conspicuous for [their] breadth." *Id.* at 383–84 (citations omitted); *see also Coventry Health Care of Mo., Inc. v. Nevils*, 581 U.S. 87, 95 (2017) ("We have repeatedly recognized that the phrase 'relate to' in a preemption clause expresses a broad pre-emptive purpose." (cleaned up)); *Gobeille*, 577 U.S. at 319 (describing "relate to" preemption as "comprehensive"); *Moshea v. Nat'l Transp. Safety Bd.*, 570 F.3d 349, 352 (D.C. Cir. 2009) ("[T]he words 'related to' are broad."). "Relating to" preemption provisions, the *Morales* Court concluded, encompass any state laws that "ha[ve] a connection with, or reference to," the subject of the federal statute. *Morales*, 504 U.S. at 384 (quoting *Shaw v. Delta Air Lines, Inc.*, 463 U.S. 85, 95 (1983)); *see Rowe v. N.H. Motor Transp. Ass'n*, 552 U.S. 364, 370–71 (2008) (applying these principles to hold that federal law preempts a state law that has "a direct 'connection with'" the subject matter of the federal law). Applying these principles to the preemption provision in *Morales*, the Court concluded that the state law restrictions at issue in that case "quite obviously" related to airline fares. *Id.* at 387. Those restrictions regulated print, broadcast, and billboard advertisements of airline fares, requiring certain disclosures and mandating the conspicuousness of such disclosures in these advertisements. *Id.* These airline-fare-advertising restrictions, the Court held, "clear[ly] as an economic matter" had "the forbidden significant effect upon fares," in the same way that "[p]rice advertising surely 'relates to' price," and they were not so "tenuous, remote, or peripheral" to avoid preemption. *Id.* at 388–90 (alteration in original; citations omitted).

B. Here, EPCA's equally broad "related to" express preemption provision bars enforcement of CARB's carbon-dioxide standards.

This preemption conclusion follows from the statutory text as well as Supreme Court case law. EPCA preempts any state "law or regulation *related to* fuel economy standards or average fuel economy standards for automobiles covered by an average fuel economy standard under" EPCA. 49 U.S.C. § 32919(a) (emphasis added). EPCA's text thus employs the same "related to" formulation that the Supreme Court in *Morales* held was "expansive," "broadly worded," "deliberately expansive," and "conspicuous for its breadth." 504 U.S. at 384 (citations omitted). Accordingly, "[u]nder EPCA's blanket preemption provision, states may not adopt or enforce regulatory requirements related to fuel economy standards." *SAFE III*, 90 Fed. Reg. at 56,586; *see also* S. Rep. No. 94-516, at 160 (1975) (Conf. Rep.) ("The States and their political subdivisions are prohibited from adopting or enforcing any law or regulation relating to fuel economy or average fuel economy standards applicable to automobiles covered by this title.").

California's regulation of carbon-dioxide emissions from automobiles is "related to fuel economy standards," because the only way to reduce carbon-dioxide emissions is to reduce the amount of fuel combusted. Fuel economy and tailpipe carbon-dioxide emissions have a well-documented connection: carbon dioxide is the primary byproduct of gasoline fuel combustion, and "[t]he amount of those CO_2 emissions is essentially constant per gallon combusted of a given type of fuel."[3] Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards, 75 Fed. Reg. 25,324, 25,327 (May 7, 2010); *see also Green Mt. Chrysler Plymouth Dodge Jeep v. Crombie*, 508 F. Supp. 2d 295, 351 (D. Vt. 2007) ("There is indeed a mathematical relationship between the carbon content of a fuel and the carbon which is released through emissions . . . [T]here is a near-perfect correlation between fuel consumed and carbon dioxide released . . . ."). Regulators assess compliance with both carbon-dioxide emissions standards and fuel-economy standards by measuring carbon-dioxide emissions. *See* 49 U.S.C. § 32904(c); Cal. Code Regs. tit. 13, §§ 1961.3, 1961.3.1. And

[3] This basic relationship between fuel economy and carbon dioxide emissions has even led educators to recommend using the two to teach introductory chemistry principles to first-year college students. *See* Maria T. Oliver-Hoyo & Gabriel Pinto, *Using the Relationship Between Vehicle Fuel Consumption and CO_2 Emissions to Illustrate Chemical Principles*, 85 J. Chem. Educ. 218, 218–20 (2008).

unlike some other types of greenhouse gas emissions that can be mitigated "by capturing or converting them to other compounds, there is no such technology for CO_2." Light-Duty Vehicle Standards, 75 Fed. Reg. at 25,327. Thus, the only way to comply with a regulation requiring reduced carbon-dioxide emissions is to reduce fuel consumption.

Courts have long recognized the practical reality that carbon-dioxide regulations have a direct connection to fuel-economy standards. The Ninth Circuit has observed that "there is no doubt that the fuel economy standards set by NHTSA will have a *direct effect* on greenhouse gas emissions." *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1214 n.68 (9th Cir. 2008) (emphasis added); *see also Delta Constr. Co. v. EPA*, 783 F.3d 1291, 1294 (D.C. Cir. 2015) (recognizing that regulation of "air pollutants, including greenhouse gases," "intersects with NHTSA's responsibility to promulgate average fuel efficiency standards for automobile manufacturers," and because "no available technologies reduce tailpipe [greenhouse gas] emissions per gallon of fuel combusted, any rule that limits tailpipe [greenhouse gas] emissions *is effectively identical* to a rule that limits fuel consumption." (quoting Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, 76 Fed. Reg. 57,106, 57,124–25 (Sept. 15, 2011)) (emphasis added)). Consequently, regulations of carbon-dioxide emissions necessarily regulate fuel economy, meaning that they infringe on EPCA's exclusive mandate requiring NHTSA to enforce a uniform system of fuel-economy standards and thus are preempted. *See* 49 U.S.C. § 32919(a).

Nothing in the California regulations at issue in this case undermines this conclusion. The California legislature directed CARB to "develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles." Cal. Health & Safety Code § 43018.5(a); *see id.* § 38566. CARB responded to this directive by prescribing the fleetwide carbon-dioxide standards at issue in this case. Cal. Code Regs. tit. 13, §§ 1961.3, 1961.3.1. And in doing so, CARB recognized that emissions and fuel economy are closely connected by incorporating the federal Highway Fuel Economy Test, which is used to measure "compliance with Corporate Average Fuel Economy standards," 40 C.F.R. § 600.101, into its own regulations as the test for measuring compliance with CARB's "Highway CO_2 exhaust emission" requirements, Cal. Code Regs. tit. 13, § 1961.3; *see also* Mem. Supp. Summ. J., ECF No. 43-1, 8–9 (discussing CARB's recognition of "the direct relationship between reducing tailpipe CO_2 emissions and increasing fuel economy"). Given the scientific relationship between carbon-dioxide emissions and fuel economy, CARB's carbon-dioxide standards "ha[ve] a connection with" EPCA's regulation of fuel economy and therefore are expressly preempted under the Supreme Court's construction of "related to" preemption provisions. *Morales*, 504 U.S. at 384.

That CARB's carbon-dioxide standards do not "specifically address[ ]" fuel economy does not change any of these conclusions. *See Morales*, 504 U.S. at 386. The "relat[ion]," 49 U.S.C. § 32919(a), between CARB's carbon-dioxide standards and EPCA's fuel-economy standards is indisputable, making it immaterial whatever labels CARB used in describing its regulations. As the Supreme Court explained in *Morales*, "the sweep of the 'relating to' language" preempts even state laws not "specifically addressed" to the subject of the federal statute. 504 U.S. at 386.

Similarly unavailing is CARB's reliance on Clean Air Act ("CAA") preemption waivers that the U.S. Environmental Protection Agency issued, which authorized CARB to adopt and enforce state-law vehicle emission standards notwithstanding CAA's general prohibition on such standards. 42 U.S.C. § 7543(a); *see* First Am. Compl., ECF No. 27, ¶¶ 62–63; Mem. Supp. Summ. J., ECF No. 43-1, 10–12. Like EPCA, CAA "generally bars states from adopting their own emissions standards for new motor vehicles, leaving such regulations to federal control." *Chamber of Com. of the U.S. v. EPA*, 642 F.3d 192, 196 (D.C. Cir. 2011); *see* 42 U.S.C. § 7543(a) ("No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part."). In contrast to

EPCA, CAA also contains an exception permitting California to request a waiver of CAA's preemption provision. 42 U.S.C. § 7543(b). EPCA contains no such waiver provision, 49 U.S.C. § 32919(a), so CARB's reliance on CAA waivers is misplaced—EPCA bars enforcement of CARB's carbon-dioxide standards. *See* Mem. Supp. Summ. J., ECF No. 43-1, 11.

At bottom, CARB's carbon-dioxide standards relate to fuel economy because of the relationship between fuel-economy and carbon-dioxide emissions. And because CARB's carbon-dioxide standards relate to fuel economy, EPCA bars California from enforcing those standards. 49 U.S.C. § 32919(a).

II. Applying EPCA preemption here furthers important congressional objectives and facilitates a robust, national automotive market.

A uniform, nationwide standard in the complex regulatory field of fuel economy is not only required by the plain text of EPCA's preemption provision, 49 U.S.C. § 32919(a), but also advances America's historical successes in improving air quality while expanding the range of vehicles available to American consumers.

The United States has successfully improved both air quality and fuel economy over the last fifty years. Since Congress first enacted EPCA and established CAFE standards, the average fuel efficiency of a passenger automobile sold in the United States has improved from approximately 13.1 miles per gallon in 1975 to 27.2 miles per gallon in 2024. EPA, The 2025 EPA Automotive Trends Report: Fuel Economy and Technology since 1975 5, 11 (Feb. 2026), https://www.epa.gov/system/files/documents/2026-02/420r26001.pdf. The average fuel economy of new vehicles has improved 16 out of the last 20 years, including by 41 percent since model year 2004. *Id.* at 5. Manufacturers' fuel-economy gains have come despite consumers' increased interest in larger, heavier, and more powerful vehicles, like sport utility vehicles, over smaller sedans and station wagons. *Id.* at 5, 25. At the same time, carbon dioxide emissions have decreased sharply. Vehicles in model year 2023 emitted less than half the carbon dioxide per mile of 1975 models (319 grams per mile in 2023 compared to 680.6 grams per mile in 1975), with a 31 percent decrease in tailpipe emissions since 2004. *50 Years of EPA's Automotive Trends Report*, EPA (Dec. 31, 2025), https://www.epa.gov/greenvehicles/50-years-epas-automotive-trends-report.

A uniform standard for fuel economy is essential for continuing this success. The United States has a single, overlapping, interstate market for automobiles, in which manufacturers sell vehicles into every state. *See, e.g.*, Naseeb A. Souweidane, Cong. Rsch. Serv., R48876, The U.S. Automotive Industry: Selected Issues 1–2 (2026) (discussing manufacturers' participation in the domestic market). There is an inherent "difficulty [in] subjecting motor vehicles, which readily move across state boundaries, to control by individual states." *Engine Mfrs. Ass'n v. EPA*, 88 F.3d 1075, 1079 (D.C. Cir. 1996). Avoiding this "spectre of an anarchic patchwork of federal and state regulatory programs, a prospect which threaten[s] to create nightmares for the manufacturers," *id.* (citation omitted), requires that manufacturers be subject to a predictable and national standard. Indeed, Congress has consistently acted to preclude "the several states" from enacting their own automobile manufacturing standards because "national standards were to be preferred over having each state go its own way, 'which could result in chaos insofar as manufacturers, dealers, and users are concerned.'" *Motor Vehicle Mfrs. Ass'n of the U.S. v. N.Y. State Dep't of Env't Conservation*, 17 F.3d 521, 524 (2d Cir. 1994) (quoting S. Rep. No. 192, 89th Cong., 1st Sess. 5–6 (1965)).

A uniform set of rules is important because it reduces the compliance burdens and planning uncertainties associated with implementing vehicle design, supply chains, and distribution practices under multiple, inconsistent regulatory regimes. *See Chamber Comment* at 3–4 ("A stable and balanced regulatory environment is essential to enabling the long-term investments required in vehicle design, manufacturing capacity, tooling, workforce training, and supplier development," while unpredictable, "overly aggressive," or inconsistent "regulatory requirements can deter or divert investment, disrupt supply chains, and increase costs throughout the value chain."). Congress acknowledged these difficulties by building in multiple-year lead times before adopted fuel-economy standards can take effect. 49 U.S.C. § 32902(g)(2), (k)(3); *see SAFE III*, 90 Fed. Reg. at 56,582.

A fragmented approach to regulation of automotive manufacturers not only harms those companies; it also has significant, negative downstream costs on a wide range of other businesses, including companies in sales, parts manufacturing, advertising, and finance. The automotive industry "accounts for 10.1 million direct and indirect domestic jobs, including those in fields such as manufacturing, sales, engineering, and management." Souweidane, *supra*, at 10. In the manufacturing and supplier space alone, automotive industry companies employ roughly a million people, accounting for approximately 8 percent of all manufacturing jobs in the United States. *Id.* at 11. These jobs are spread not only in the traditional industry heartland in the Midwest, but also throughout the rest of the country, including but not limited to the South. *Id.* at 11–12.

A fragmented approach also has significant environmental consequences. Providing consistent, national regulatory oversight helps manufacturers predict and react to regulations, lowering vehicle costs. Unnecessarily increasing compliance and regulatory expenses, on the other hand, can raise vehicle costs. This would delay the positive environmental impacts of technological advancement by reducing or delaying fleet turnover—that is, the process of replacing older, less-efficient vehicles with newer, more efficient ones across the national fleet. *See SAFE III*, 90 Fed. Reg. at 56,517–18 (noting that "acceleration in fleet turnover" will "increase the rate at which newer vehicles, and their associated safety improvements, enter the on-road population"). Recent years have already seen a slowed rate of fleet turnover, due in part to increased costs of new vehicles, with the average light-duty vehicle now remaining on the road for three years longer than it would have two decades ago. Hart Schwartz, *America's Aging Vehicles Delay Rate of Fleet Turnover*, The Fuse (Jan. 23, 2018), https://tinyurl.com/5sta2xdn. When these older, less-efficient vehicles remain on the road, even the "sharp gains in fuel economy in recent years will take effect over a longer period of time" as consumers choose to drive older, less-efficient vehicles for longer, rather than pay the inflated cost for newer vehicles. *Id.*

* * *

The Chamber supports uniform national standards that provide for technologically feasible fuel-economy increases, with benefits that justify their costs. Allowing California to set its own fuel-economy standards in the guise of carbon-dioxide standards would harm markets; disrupt planning, investment, and production; and infringe on federal prerogatives. Applying EPCA's preemption provisions to those standards will comply with the statute and further the goals of preemption, providing regulatory stability in the national automotive manufacturing market while advancing achievable improvements in fuel economy in the fleet available to American consumers.

CONCLUSION

This Court should grant the Plaintiffs' motion for summary judgment.

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Respectfully Submitted

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