

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

March 30, 2026

Ms. Lauren Sanchez
Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Sanchez:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce (Committee) is investigating the State of California's compliance with the Clean Air Act (CAA) following the nullification of the state's Advanced Clean Trucks (ACT),¹ Advanced Clean Cars (ACC) II,² and Omnibus Low NOx programs (the Omnibus) regulations.³ On June 12, 2025, President Trump signed into law three Congressional Review Act (CRA) resolutions nullifying the CAA waivers of preemption the Environmental Protection Agency (EPA) had granted to California for these regulations, thereby effectively voiding the regulations.⁴ The Committee initiated this investigation after reports that the California Air Resources Board (CARB) had been denying auto manufacturers approval to bring vehicles to market unless the manufacturers agreed to comply with the regulations that had already been nullified through these CRA resolutions.⁵

After months of negotiations, CARB's lack of cooperation with this investigation requires the issuance of compulsory process. Accordingly, the attached subpoena is being issued pursuant to the authority delegated to the Chairman of the Committee under Rule XI, clause 2(m)(1)(B) of the Rules of the U.S. House of Representatives and Rule 16 of the Committee's Rules.

¹ Notice of Decision, California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; 88 Fed. Reg. 20688 (Apr. 6, 2023).

² Notice of Decision, California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; 90 Fed. Reg. 642 (Jan. 6, 2025).

³ Notice of Decision, California State Motor Vehicle and Engine and Nonroad Engine Pollution Control Standards; The "Omnibus" Low NOX Regulation; Waiver of Preemption; 90 Fed. Reg. 643 (Jan. 6, 2025).

⁴ The White House, Briefings and Statements, *Congressional Bills H.J. Res. 87, H.J. Res. 88, H.J. Res. 89 Signed into Law* (Jun. 12, 2025), available at <https://www.whitehouse.gov/briefings-statements/2025/06/congressional-bills-h-j-res-87-h-j-res-88-h-j-res-89-signed-into-law/>.

⁵ Letter from Brett Guthrie, Chairman, H. Comm. on Energy and Commerce, et al., to Steven S. Cliff, Ph.D., Executive Officer, California Air Resources Board (Aug. 11, 2025).

The House has delegated to the Committee legislative jurisdiction over matters related to implementation of the CAA, including the waiver provided to California to implement their own air quality standards.⁶ Congress has the authority to review and reevaluate exemptions or authorities that it previously provided. As such, the Committee has the right to review and reconsider the waiver authority that it previously provided to California via Section 209(b) of the CAA. Conducting oversight of California's actions is necessary to consider whether any legislative reforms, including to section 209(b) of the CAA, are necessary.

The Committee first requested documents and information on August 11, 2025.⁷ It has been more than 7 months (231 days) since the initial request, and CARB has produced approximately 6,400 pages of material over the course of six productions, many of which are duplicates or near duplicates of documents that were already produced to the Committee. Moreover, there are categories of documents requested in the Committee's August 11 letter which CARB has yet to provide. From the outset, the Committee has accommodated CARB by extending production deadlines, accepting rolling productions, and providing suggested search terms to assist with locating responsive documents. CARB, however, continues to withhold relevant documents and communications from the Committee without providing a sound legal basis for withholding such documents.⁸

On November 21, 2025, after CARB failed to produce responsive non-public documents, the Committee sent a second letter outlining its interactions in an effort to obtain information related to the ongoing investigation.⁹ In this letter, it was noted:

Due to CARB's failure to make a good faith effort to provide the requested information and documents, the Committee requests transcribed interviews with the following individuals if CARB fails to provide the requested information and documents by December 5, 2025.¹⁰

⁶ House of Representatives, Rule X(f) (119th Cong.); The Clean Air Act, 42 U.S.C. 7401 et seq.

⁷ *Supra.* at 5.

⁸ CARB claims that its ability to produce material related to its communications with the Governor's Office and the Attorney General is limited by California state law governing executive communications and attorney-client privilege, and that these privileges are supported by judicial opinions, including the Supreme Court's decision in *Trump v. Mazars* and the D.C. Circuit's decision in *Tobin v. United States*. The Committee has responded to these claims, noting that California state law regarding executive communications is irrelevant in the context of Congressional investigations; raised questions about how broadly CARB is applying the attorney-client privilege; and pointed out that *Tobin* is distinguishable from the matter at hand as Congress is well within its right to investigate matters related to a federal exemption granted to a state by Congress, such as the CAA exemption that Congress has historically granted to California, and the privileges in the dicta cited from *Mazars* are not the privileges at issue here. Email from Andrew D. Herman, Counsel to CARB, to H. Comm. on Energy and Commerce Staff (Feb. 13, 2026) (on file with Committee staff); Email from H. Comm. on Energy and Commerce Staff to Andrew D. Herman, Counsel to CARB (Feb. 20, 2026) (on file with Committee staff).

⁹ Letter from Brett Guthrie, Chairman, H. Comm. on Energy and Commerce, et al., to Steven S. Cliff, Ph.D., Executive Officer, California Air Resources Board (Nov. 21, 2025).

¹⁰ *Id.*

CARB did not meet this deadline, nor was it willing to make available the six individuals for whom the Committee sought transcribed interviews.¹¹ Instead, CARB asserted that the Committee's request for transcribed interviews of CARB Board personnel was premature and offered to make Steven S. Cliff—CARB's Executive Officer—available to answer "written interrogatories."¹² The Committee responded to that offer by making clear that it would not satisfy the previous requests for information, particularly because CARB had not provided the documents and information that the Committee requested.¹³ Instead, the Committee offered additional accommodations, including an offer to travel to California to conduct transcribed interviews of CARB personnel.¹⁴ The Committee was also willing, as an initial matter, to conduct interviews of two or three of the six individuals identified in its November 21, 2025 letter.¹⁵ CARB, however, was only willing to make one individual, Christopher Grundler, Deputy Executive Officer for Mobile Sources and Incentives, available for a transcribed interview in California.¹⁶ Making one official available out of the six officials requested—even when the Committee has offered to travel to California to conduct the interviews—was not a good faith offer.

CARB continues to stall or outright refuse to produce documents relevant to several categories of the Committee's initial requests—including those related to documents and communications between CARB and the California Governor's Office and the California Attorney General's office.¹⁷ When asked to provide a privilege log or equivalent list of documents so that the Committee could better understand the custodians, the nature of the documents that CARB intended to withhold from productions, and the reason CARB was withholding the documents, CARB declined to voluntarily provide such a document.¹⁸ Further, CARB has asserted blanket common law privileges generally over large categories of documents.¹⁹ The Committee has repeatedly stated that Congress does not recognize common law privileges in congressional investigations, but CARB continues to make the privilege assertions and claims it cannot waive them in response to a congressional request letter.²⁰

From the beginning of its investigation, the Committee has repeatedly made accommodations for CARB regarding previously prescribed deadlines for the delivery of

¹¹ Email from Andrew D. Herman, Counsel to CARB, to H. Comm. on Energy and Commerce Staff (Dec. 5, 2025) (on file with Committee staff).

¹² *Id.*

¹³ Email from H. Comm. on Energy and Commerce Committee Staff to Andrew D. Herman, Counsel to CARB (Jan. 23, 2026) (on file with Committee staff).

¹⁴ Call between Andrew D. Herman, Counsel to CARB, and H. Comm. on Energy and Commerce Staff (Feb. 6, 2026).

¹⁵ *Id.*; *Supra.* at 8.

¹⁶ Email from Andrew D. Herman, Counsel to CARB, to H. Comm. on Energy and Commerce Staff (Feb. 13, 2026) (on file with Committee staff).

¹⁷ Letter from Brett Guthrie, Chairman, H. Comm. on Energy and Commerce, et al., to Steven S. Cliff, Ph.D., Executive Officer, California Air Resources Board (Aug. 11, 2025).

¹⁸ *Supra.* at 11.

¹⁹ Email from Andrew Herman, Counsel to CARB, to H. Comm. on Energy and Commerce Staff (Feb. 13, 2026) (on file with Committee staff).

²⁰ *See, e.g.*, Email from H. Comm. on Energy and Commerce Staff to Andrew D. Herman, Counsel to CARB (Jan. 23, 2026) (on file with Committee staff).

Letter to Ms. Lauren Sanchez

March 30, 2026

Page 4 of 4

documents and has maintained a significant level of flexibility when negotiating a production schedule. While CARB has not met any of the deadlines as originally prescribed in previous letter correspondence, the Committee has been willing to work with CARB to accommodate document productions on a rolling basis.²¹ However, to date, the Committee has only received six productions of documents and information from CARB since the Committee sent its August 11 request, and many of the documents are duplicative of documents that were already produced to the Committee.²² Most recently, rather than prioritizing overdue documents or transcribed interviews that the Committee requested in its August 11 and November 21 letters, CARB transmitted a memorandum and supporting material to the Committee on March 23, 2026.²³ This memorandum does not satisfy nor replace the Committee's requests for documents and transcribed interviews with CARB officials.

The Committee continues to seek information relevant to its investigation, including documents and communications between CARB and the California Governor's Office and the California Attorney General's office. Reviewing these documents and communications is vital to understanding what actions, including actions related to enforcement and implementation of the aforementioned laws and regulations, the state of California has taken thus far with respect to its new vehicle and new motor emission reduction plans following the CRA resolutions signed into law last year.²⁴

As Chairman of the Committee, I urge you to cooperate speedily and in good faith with this subpoena. If you have any questions regarding this subpoena, please coordinate with the majority staff of the Committee at (202) 225-3641.

Sincerely,



Brett Guthrie
Chairman
Committee on Energy and Commerce

cc: The Honorable Frank Pallone, Ranking Member, Committee on Energy and Commerce

²¹ *Id.*

²² CARB made productions on Sep. 5, 2025, Dec. 6, 2025, Jan. 20, 2026, Feb. 13, 2026, Mar. 6, 2026, and Mar. 20, 2026.

²³ Memorandum from Christopher Grundler, Deputy Executive Officer, California Air Resources Board, to Chairman Brett Guthrie, et al., (Mar. 23, 2026) (on file with Committee staff).

²⁴ *Supra.* at 4.