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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
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November 21, 2025

Steven S. Cliff, Ph.D.
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Dr. Cliff:

We are writing, pursuant to Rules X and XI of the U.S. House of Representatives, regarding the Committee on Energy and Commerce's (Committee) ongoing investigation into the State of California's compliance with the Clean Air Act. The Committee's August 11, 2025, letter requested information and documents from the California Air Resources Board (CARB) about California's enforcement of state vehicle emission standards that disregard recent Congressional actions to disapprove waivers of federal preemption under the Clean Air Act.¹ Unfortunately, CARB's responses to date have been woefully inadequate and do not satisfy the Committee's important oversight interests in this matter.

Clean Air Act section 209(a) preempts states from adopting or attempting to enforce any emissions control standard for new motor vehicles or engines, or any condition precedent to the initial retail sale, registration or inspection of such vehicle or engine.² Under section 209(b), the U.S. Environmental Protection Agency (EPA) may waive federal preemption, allowing California to establish state motor vehicle emission standards.³ However, Congress passed with bipartisan support, and President Trump signed, three resolutions under the Congressional Review Act (CRA) disapproving three waivers of preemption that the Biden-Harris Administration previously granted.⁴

¹ Letter from Brett Guthrie, Chairman, H. Comm. on Energy and Commerce, et al., to Steven S. Cliff, Executive Officer, California Air Resources Board (Aug. 11, 2025), https://d1dth6e84htgma.cloudfront.net/8_8_2025_Letter_to_California_Air_Resources_Board_9c371269bf.pdf.

² 42 U.S.C. § 7543(a).

³ 42 U.S.C. § 7543(b). Section 177 allows other states to adopt a California motor vehicle emission standard for which a waiver has been granted. 42 U.S.C. § 7507.

⁴ Pub. L. No. - 119-15; Pub. L. No. - 119-16; and Pub. L. No. - 119-17.

The Committee's August 11, 2025, request sought answers about California's apparent enforcement of the preempted standards and requested copies of documents, such as internal guidance CARB provided to its staff; communications with other states; internal correspondence between CARB officials and the Governor's Office and the Office of Attorney General; and other internal documents concerning CARB's response to the disapproval of the waivers of federal preemption.⁵

The requested information and documents will help the Committee understand how California is implementing the Clean Air Act in light of the federal preemption of state emission standards, and whether the waiver authority in section 209(b) should be eliminated or otherwise modified. Although California is leading a coalition of states in challenging the CRA disapprovals in the U.S. District Court for the Northern District of California,⁶ the litigation remains unresolved and the suite of state emission rules at issue remain legally preempted under the Clean Air Act.

To date, CARB has only produced publicly available documents that are not directly responsive to the Committee's request. This failure to comply with the Committee's request and lack of transparency frustrates the Committee's important oversight and legislative interests:

- On August 11, 2025, the Committee sent a letter to CARB requesting information and documents. The letter requested that CARB provide the requested information and documents by August 25, 2025.
- On August 19, 2025, Committee staff attempted to contact CARB's chief counsel by phone since CARB still had not confirmed receipt of the Committee's letter. Committee staff left a voicemail message and offered to meet and confer about the Committee's oversight interest, but CARB did not acknowledge or respond to Committee staff.
- On August 25, 2025, the due date for CARB's response, Committee staff again reached out to CARB's chief counsel via email for an update on the status of CARB's response to the Committee's request.⁷ CARB's chief counsel responded via email on August 25, 2025, in which she confirmed receipt of the August 11 letter and requested a phone call with Committee staff to discuss the matter.⁸ During a call with Committee staff later that day, CARB's chief counsel indicated that the state was in

⁵ Letter from Brett Guthrie, Chairman, H. Comm. on Energy and Commerce, et al., to Steven S. Cliff, Executive Officer, California Air Resources Board (Aug. 11, 2025), https://d1dth6e84htgma.cloudfront.net/8_8_2025_Letter_to_California_Air_Resources_Board_9c371269bf.pdf.

⁶ Complaint for Declaratory and Injunctive Relief at 28 and 37, State of California, et al., v. United States of America, U.S. Environmental Protection Agency, Lee Zeldin and Donald J. Trump, No. 3:25-cv-04966, (N.D. Cal. Jun. 12, 2025), https://climatecasechart.com/wp-content/uploads/case-documents/2025/20250612_docket-325-cv-04966_complaint.pdf.

⁷ Email from H. Comm. on Energy and Commerce Majority staff to Shannon M. Dilley, Chief Counsel, California Air Resources Board (Aug. 25, 2025) (on file with Committee Majority staff).

⁸ Email from Shannon Dilley, Chief Counsel, California Air Resources Board, to H. Comm. on Energy and Commerce Majority staff (Aug. 25, 2025) (on file with Committee Majority staff).

the process of retaining outside counsel, that it would not be able to meet the Committee's deadline, and that it may take several weeks before outside counsel could be hired.

- On August 25, 2025, CARB also sent a letter to the Committee that confirmed its receipt of the Committee's August 11 letter, noted the call with Committee staff earlier that day, and stated that CARB "looks forward to working productively with the Committee."⁹ The letter also stated that "CARB is in the process of retaining outside counsel, who will provide a substantive response to your inquiry as soon as possible."¹⁰
- On August 25, 2025, CARB also released a regulatory guidance memorandum to automobile and engine manufacturers about how to obtain certification in light of the CRA disapprovals and related litigation.¹¹ CARB staff did not mention this guidance on the phone call with Committee counsel the same day, nor did CARB provide a copy of the guidance to the Committee when it sent the Committee a letter later that day requesting additional time to respond.¹² Instead, Committee staff learned of the guidance through other means; and staff later accessed the guidance through CARB's website.
- On August 29, 2025, at CARB's request, Committee staff joined a phone call with CARB staff and CARB's recently retained outside counsel to discuss the Committee's overdue request. Committee staff requested an explanation for why CARB did not mention or provide a copy of the August 25 guidance when it wrote the Committee the same day to request an extension of time to respond to the Committee's request. A CARB staff attorney stated that the document had not been included because the communications between the Committee and CARB up to that point had been procedural in nature, not substantive. During the call, Committee staff made clear to CARB and its counsel that the August 25 guidance is responsive to the Committee's request and asked whether CARB intended to withhold such documents going forward. Committee staff advised CARB and its counsel that common law and civil discovery privileges would not be recognized as a basis for withholding information from Congress.
- On September 5, 2025, outside counsel for CARB provided an initial response to the Committee's request that included a cover letter signed by CARB's chief counsel and electronic copies of 95 documents, including 57 copies of executive orders issued by CARB to manufacturers, 23 copies of litigation filings and supporting declarations,

⁹ Letter from Shannon M. Dille, Chief Counsel, California Air Resources Board, to Brett Guthrie, Chairman, H. Comm. on Energy and Commerce, et al. (Aug. 25, 2025) (on file with Committee Majority staff).

¹⁰ *Id.*

¹¹ Manufacturers Advisory Correspondence (MAC) EECD-2025-08, California Air Resources Board (Aug. 25, 2025), <https://ww2.arb.ca.gov/sites/default/files/2025-08/MAC%20EECD-2025-08.pdf>.

¹² Letter from the California Air Resources Board to Brett Guthrie, Chairman, H. Comm. on Energy & Commerce, et al (Aug. 25, 2025) (on file with Committee Majority staff).

four copies of CARB press releases, a summary of litigation proceedings posted on CARB's website, a letter between CARB and an automobile industry trade association, a copy of a CARB public hearing notice, a copy of a CARB resolution, copies of a staff report, a white paper on CARB's automobile certification, briefing slides for a CARB public meeting, and a copy of a report from CARB to Governor Newsom.¹³ The response did not include any internal communications among CARB leadership, staff, or other state officials, noting only that "CARB will continue to gather and review potentially responsive materials and will respond further as appropriate."¹⁴

- On September 5, 2025, upon receiving CARB's initial production, Committee staff inquired with CARB's outside counsel about the status of CARB's search for documents and deadlines for future productions.¹⁵ Specifically, Committee staff asked CARB to confirm it "is undertaking a search for internal documents, including emails, memoranda, briefing papers or other internal documents shared among CARB leadership and staff, as well as communications between CARB and any other states that also implemented the CARB standards."¹⁶ Committee staff added that "[s]uch communications are responsive" and that the Committee expects "a search for them is already underway and that they will be included in a future production."¹⁷ Finally, Committee staff requested "an estimate of when [the Committee] can expect those documents."¹⁸
- On September 8, 2025, CARB's outside counsel responded to Committee staff with the following: "[W]e will continue to gather and review potentially responsive materials ... and update you if there are additional documents that we are able to produce."¹⁹ To date, neither CARB staff nor its outside counsel have confirmed that a search for internal documents has been conducted, nor has CARB provided the Committee with a schedule for future responses.
- On September 15, 2025, CARB's outside counsel sent an email to Committee staff providing a copy of a press release announcing CARB's intent to propose emergency vehicle emissions standards.²⁰ No additional documents have been produced to the Committee, and CARB's outside counsel has not provided any updates to the Committee since September 15, 2025.

¹³ Letter from Andrew D. Herman, Law Office of Andrew D. Herman, to The Hon. Brett Guthrie, Chairman, H. Comm. on Energy & Commerce, et al., (Sept. 5, 2025) (on file with Committee Majority staff).

¹⁴ *Id.*

¹⁵ Email from H. Comm. on Energy and Commerce Majority staff to Andrew D. Herman, Law Office of Andrew D. Herman, (Sept. 5, 2025) (on file with Committee Majority staff).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Email from Andrew D. Herman, Law Office of Andrew D. Herman, to H. Comm. on Energy and Commerce Majority staff (Sept. 8, 2025) (on file with Committee Majority staff).

²⁰ Email from Andrew D. Herman to H. Comm. on Energy and Commerce Majority staff (Sept. 15, 2025) (on file with Committee Majority staff).

Despite CARB's letter on August 25, 2025, that stated "a substantive response" to the Committee's inquiry would be forthcoming as soon as possible, CARB has not provided the Committee with additional documents, information, or updates for two months.²¹ Moreover, the Committee made clear to CARB that publicly available documents are insufficient to satisfy the Committee's August 11, 2025, request. 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.

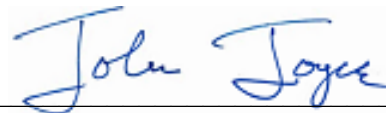
- Lauren Sanchez, CARB Chair (from September 2025 to present);
- Liane Randolph, Former CARB Chair (from December 2021 to September 2025);
- Steven Cliff, CARB Executive Officer;
- Shannon Dilley, CARB Chief Counsel;
- Christopher Grundler, CARB Deputy Executive Officer – Mobile Sources & Incentives; and
- Robin Lang, Division Chief, CARB Emissions Certification & Compliance Division.

The Committee requests that these transcribed interviews be completed no later than December 12, 2025. To schedule these interviews, please contact the Committee on Energy and Commerce Majority staff at (202) 225-3641. Thank you for your attention to this request.

Sincerely,



Brett Guthrie
Chairman
Committee on Energy and Commerce



John Joyce, M.D.
Chairman
Subcommittee on Oversight and
Investigations



Gary Palmer
Chairman
Subcommittee on Environment

²¹ Letter from the California Air Resources Board to Brett Guthrie, Chairman, H. Comm. on Energy & Commerce, et al (Aug. 25, 2025) (on file with Committee Majority staff).

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cc: The Honorable Frank Pallone, Jr., Ranking Member, Committee on Energy and
Commerce
The Honorable Yvette D. Clarke, Ranking Member, Subcommittee on Oversight and
Investigations
The Honorable Paul D. Tonko, Ranking Member, Subcommittee on Environment