If one single thing about the election keeps state environmental regulators up at night, it's how much a Trump victory would impact their ability to cut transportation emissions. As it turns out, Trump's leverage would be reduced, ironically enough, because his conservative Supreme Court appointees helped overrule the *Chevron* doctrine. Trump can still cause a lot of very harmful chaos, but ultimately the courts will make their own decision about state emission standards. With *Chevron* gone, Trump's views will carry less weight with a court.

It's true that the ability of states to limit carbon emissions from vehicles is crucial to their climate pans. Transportation is now the largest source of carbon emissions, accounting for 28% of total U.S. emissions. Reducing those emissions is crucial achieving the climate targets of states like California, New York, and Illinois. A key part of these plans is copying California's tailpipe emission standards, which are stricter than the federal level. Trump promises to block California's standards.

How Trump might do this requires some explanation. When Congress passed the Clean Air Act in 1970, it set tough pollution standards for new cars. It also prohibited states from regulating vehicle tailpipe emissions — but with one major exception. Because of LA's uniquely bad air pollution and the state's track record in regulating vehicle pollution, EPA can waive preemption for California if certain conditions are met. A later amendment allows other states to adopt copy California regulations.

This has been a very partisan issue. Republicans (Bush and Trump) rejected the waiver for greenhouse gases and Democrats (Obama and Biden). granted it. Trump has made it clear he would cancel it again if he's reelected. The question is how much effect this would have, given that any such action would have to be cleared by the courts. To answer that, we must look at the three arguments Trump's EPA would use for canceling the California waiver.

The first argument is that the California tailpipe standards really dictate fuel efficiency because main way to cut vehicle carbon emissions is to reduce the amount of fuel being burned. Under a Jimmy Carter-era federal law, only the feds are allowed to adopt regulations relating to fuel efficiency. Precedent stands against this argument. In *Massachusetts v. EPA*, the Supreme Court rejected a similar argument about EPA's power to issue greenhouse gas standards on the ground that emissions standards are conceptually and legally different from fuel efficiency standards. (As a former math major, I have trouble with the idea of a fuel efficiency standard applying to EVs. It's meaningless to ask how many miles per gallon an EV gets: it uses zero gallons, and you can't divide by zero. But I digress.)

Trump's election probably wouldn't impact a possible judicial ruling. Given that *Chevron* has been overruled, the relationship between the Clean Air Act and the fuel efficiency law seems like the kind of purely legal issue where a current Administration's views won't carry great weight.

A second argument is that all states are created equal, and if other states can't regulate tailpipe emissions, California should be equally powerless. The D.C. Circuit just rejected this argument, and a cert. petition is pending. I think the D.C. Circuit was right to reject this bogus argument, but we'll have to see what the Court does. (And calculating my influence on the Court would also involve dividing by zero, so take my view with a grain of salt!) In any event, since this is a constitutional issue, the view of the executive branch aren't legally any more relevant than mine are.

The third issue against California's power to regulate greenhouse gas emissions from cars is based on the Clean Air Act. The first is that the waiver must be based on California's unique situation, and climate change impacts the whole world. There are two persuasive counterarguments. One is that California is particularly vulnerable to climate change because of its long coastline, arid climate, and diverse ecosystems. The other is that the greenhouse gas standards will also help with air pollution in Southern California, which has always been considered a basis for a waiver. It's not clear how much agency views about these issues would matter in the post-*Chevron* world. These issues involve the application of general statutory language to specific facts, and there might be at least some degree of deference to EPA's view. That deference could be undermined, however, by the fact that EPA has flip-flopped on this between presidential administrations.

Thus, who is in the White House will have less effect on the fate of California's waiver than it would have had under *Chevron*. The real battle will take place in the courts. The big difference between a Trump and Harris Administration, however, is that Trump would create a lot of chaos around the California standards. That's a problem for car companies who are making multibillion dollar investments, and it could slow down expansion of EV production. That would be a problem for U.S. climate efforts, even if the courts ultimately ruled against Trump. It would also be a welcome effect from the perspective of China's efforts to dominate global EV markets.

In short, because of *Chevron* being overruled, who is in the White House will make less of a major legal difference in terms of the ability of states to reduce carbon emissions by vehicles. But it could still make a very real practical difference.