

It can be hard to keep track amid all the hair-raising developments [in Congress](#) and at the [Supreme Court](#), but last week, a group of House Republicans led by Roger Williams of Texas introduced the [Fuel Emissions Freedom Act](#), hot on the heels of the purported (illegal) [termination](#) of California's vehicle emissions standard waiver. This freedom-to-pollute bill would:

- Repeal federal authority to regulate automobile emissions (held by the Environmental Protection Agency) and fuel economy (held by the National Highway Traffic Safety Administration)
- Nullify existing emissions or fuel economy regulations issued by the two agencies
- Prohibit future federal and state emissions standards and preempt existing state standards

It goes without saying that this is a very bad idea, for humans and for the environment. Automobile exhaust makes us sick and shortens our lives; EPA estimated that its [most recent light-duty emissions standards](#) would save up to 2,500 premature deaths per year in 2055, while a recent [American Lung Association study](#) estimated that a 100% zero-emission vehicle network (powered by clean electricity) would prevent over 89,000 premature deaths, 2 million asthma attacks, and 10 million lost workdays by 2050. This bill envisions a world with more asthma, cancer, and death, not to mention an increasingly unlivable climate.

It also, of course, violates the core structure of preemption and federalism under the Constitution. The Constitution typically empowers (though doesn't require) Congress to preempt state law in areas where the federal government has and exercises prime authority. Here, Congress would explicitly abdicate that authority—which would return prime authority to the states. Simultaneously barring states from taking action in the vacated arena is comically misaligned with our federal system and basic principles of government. (This is an oversimplification of the 10th Amendment and centuries of preemption jurisprudence, but the bill doesn't merit much more than that.) This proposal exposes, among many other things, the [dishonesty of the "federal overreach" argument for environmental deregulation](#).

While this unserious bill probably doesn't deserve much analysis, it comes at a time when Congress and the Trump Administration are quite seriously attempting to [roll back](#) existing federal and state emissions standards and [eliminate](#) all manner of clean transportation funding. In that context, it's worth briefly examining the claims

that are driving the push for more automobile pollution. The bill's legislative findings:

1. *"Fuel emissions regulations increase costs for consumers and manufacturers."* Decades of vehicle regulation have improved performance while generating overall cost savings. While new emissions reduction and fuel efficiency technologies may increase manufacturing costs (which manufacturers [pass on](#) to buyers), they are more than outweighed by fuel savings and other benefits. For example, EPA estimated that its light-duty emissions standards, which would lead to over 65% EV sales by 2032, would generate annualized costs of \$49 billion for new vehicle technologies and EV charging—compared with combined fuel, maintenance, and repair savings of \$62 billion. That's not even counting the tens of billions in health and environmental savings from reduced carbon and particulate matter pollution.
2. *"Overlapping and ever-changing fuel emissions standards, whether imposed by the Environmental Protection Agency, the State of California, or through Corporate Average Fuel Economy regulations, create long-term uncertainty for manufacturers."* Emissions and fuel efficiency standards from the federal agencies and California have moved gradually in the same direction for decades, providing a great deal of certainty for manufacturers and generous lead-times for compliance. The statutes and the regulations are clear. The only uncertainty here is created by antagonistic administration and congressional actions starting around 2008. (In fact, multiple automakers signed [voluntary agreements](#) with California to maintain adherence to state standards the last time they were attacked by a Trump EPA.)
3. *"This fragmented regulatory environment stifles innovation, disrupts supply chains, and burdens manufacturers and businesses, especially small and medium-sized auto suppliers."* Emissions and fuel efficiency standards have promoted development of the hybrid engine and the electric vehicle, the two most significant drivetrain innovations of the past half century. The only supply chain disrupted is that of petroleum. American vehicle manufacturers have struggled to keep up with international competitors for decades, but our (fairly soft) emissions standards are not the reason—which becomes glaringly obvious when one considers the fact that those foreign competitors are competing by *selling vehicles in the US that comply with US standards.*
4. *"Conflicting fuel emissions standards force manufacturers to comply with multiple sets of costly and inconsistent regulations, further reducing efficiency and raising production costs, which are ultimately passed onto the consumer."*

Not really; manufacturers typically just comply with the higher standard, at least in the mass light-duty market. (Hence the common complaint/bragging point that California's vehicle policies set the nationwide standard.) And, of course, the solution to this problem, if it did exist, would be to just eliminate California's waiver, not to eliminate federal standards.

5. *"Eliminating fuel emissions standards at the Federal and State level will help restore regulatory certainty, lower costs for families, and strengthen manufacturing in the United States to ensure economic freedom."* See 1-4 above.

As EPA's [annual review of automotive efficiency and technology trends](#) thoroughly demonstrates, federal standards have prompted and accompanied five decades of technological progress in the vehicle industry, greatly improving emissions and fuel efficiency even as average vehicle size and horsepower have increased. In fact, the national effort to improve automobile fuel performance since the late 1960s is a remarkable success story—better vehicles, society-wide cost savings, cleaner air, healthier lungs, fewer deaths.

As the current federal leadership tries to undo this progress, with this bill and many other more probable steps, it's important to frame it as more than just a climate threat. For everyone who isn't an oil executive, it's a threat to health and affordability, too.