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# Trump pledge to reverse Biden's EV push won't be so easy, experts say. Here's why

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Grant Schwab
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Washington — Despite his vows to do so, it wouldn't be easy for former President Donald Trump to quickly dismantle the Biden-era policy push aimed at curbing vehicle emissions and speeding a transition to electric vehicles.

If the Republican presidential hopeful returns to the White House, he'll have to grapple with the slow nature of federal bureaucracy, courts that have so far preserved crucial tenets of emissions policy, and an industry that has already invested billions of dollars into EVs.

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The fight over the newest regime of vehicle tailpipe emissions regulations, tax incentives and other pro-EV policies has already become a mainstay of political theater as the 2024 presidential election approaches. Trump, as he did in Detroit days ago, talks publicly about EVs on a regular basis. But the more private fights — in corporate offices, within Washington think tanks and law firms, and inside regulatory agencies — over potential policy rollbacks have immense consequences for the U.S. auto industry.

"The industry is definitely wrestling with being between a rock and a hard place," said Patrick Anderson, CEO of East Lansing-based Anderson Economics Group.

Anderson has consistently criticized Biden-era policies from the Environmental Protection Agency, Department of Transportation and others as federal government overreach that push the industry towards EVs too quickly for the market. Though the rules do not explicitly mandate a specific technology, they will all but require a shift to battery-powered cars to meet tightening pollution limits.

"No one in Detroit or Tokyo or Germany who's running an automobile company wants to say out loud what everyone in the industry knows, which is that neither the industry nor the customers are anywhere near where the federal government regulations or California's rule wants them to be," he said.

But Anderson also noted that shifting sharply back in the other direction, toward a policy environment that favors internal combustion vehicles, could cause its own issues.

"This is a 180-degree about-face done in high seas," he said. "The chance of losing half their crew overboard is pretty significant."

**'Harder to get rid of stuff'**

Susan Dudley, the former top regulatory official for President George W. Bush and the former director of George Washington University's Regulatory Studies Center, said there are several ways to roll back regulations from one administration to another. They include congressional action, executive orders, new rules countering previous ones, and lawsuits.

All could happen over time, but the quickest and most direct method is likely off the table for most key Biden-era auto emissions rules.

The Congressional Review Act allows Congress, with a simple majority in both the House and Senate, to pass legislation that would revoke any regulations within 60 legislative days of them being finalized. The president then has an opportunity to veto the legislation, which Joe Biden has done at least 13 times throughout his term to preserve rules.

That includes, for example, the Environmental Protection Agency's tailpipe emissions standard for heavy-duty vehicles finalized last year.

Critically, however, final rules that do not arrive within 60 legislative days of the end of an annual congressional session go back up for review when the next roster of lawmakers arrives.

In other words, congressional Republicans might get a chance to submit CRA bills to a more receptive president. A victorious Trump could — and likely would — sign all bills reaching his desk that do away with late-arriving Biden administration rules.

Legal observers have suggested that the 60-day deadline passed in mid-May, but an uncertain legislative calendar for the rest of the year leaves that up in the air.

Rule revocation through the CRA will certainly not be possible for the Biden EPA's "strongest-ever" pollution standards for consumer vehicles, which were finalized March 20.

The same is true for a Department of Energy rule that will modify fuel economy ratings for electric vehicles, finalized a day earlier. Congress might have an opportunity to nix the new corporate average fuel economy standards finalized on June 7, but that would change if Congress finds a reason to add more legislative days onto its calendar.

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Dudley also explained that Congress could use its budget-setting powers to stop an agency like the EPA or Department of Transportation from using any funds to implement or enforce rules. But that would only happen if Republicans win control of both chambers.

The approaches a Trump White House could take to reverse his predecessor's policies are slower and more burdensome.

"Any rule that's fully enacted is a challenge. It's difficult. There's a lot of steps you have to go through to un-enact it," said Roger Nober, the current director of GW's Regulatory Studies Center and a former vice president responsible for regulatory matters at the major train and railroad operator BNSF Railway LLC.

Trump, on his first day in office, could publish executive orders signaling his intent to eventually do away with Biden-era vehicle emission policies. But he would then have to go through a multiyear regulatory process, which requires lengthy justifications for new rules and public comments.

Trump's regulations could potentially scale back key Biden-era policies before they even begin ramping up in 2027, though they might not amount to whatever policy rollbacks he envisions.

"It actually is very, very hard to get rid of stuff and much easier to add. One of the sort of natural laws of Washington is that when things start, they never stop," Nober said.

"The reason that people work in the agencies is because they believe in the value of what they're doing," he explained, talking about public servants who work on regulatory policy.

Nober continued: "Being told by short-term leaders — because that's how they view all the political leaders — that there's no value in what they're doing, it's just very hard. It's very hard to bring people around and say, 'What you've been dedicating your life to is not necessary."

Plus, even though automakers would have a sense of the general policy direction favored by the Trump administration, their plans for the immediate years ahead would already be in place.

"They can't afford to hold. Production decisions and investment decisions are being made right now that will affect what kind of cars and trucks they can produce in 2026 and 2027, which is not that far away," Anderson said.

**California and the courts**

There are two wild cards that, separate from a second Trump administration's legislative and executive efforts, could dramatically reshape auto emissions standards. The first is California through its state Air Resources Board.

Project 2025, an effort by the conservative Heritage Foundation, is preparing a plan for how a second Trump administration could effectuate a more conservative policy vision across government. It calls for an end to all federal "mandates" and subsidies of EVs, plus the revocation of California's waiver to set its own emissions policies separate from the federal government.

"The Clean Air Act allows other states to follow California’s requirements; thus, CARB is effectively determining fuel economy policies for the entire nation," wrote Diana Furchtgott- Roth, an economist at the Heritage Foundation, in Project 2025's "Mandate for Leadership" book.

She argued that California does not have a valid legal basis for its waiver and that the federal government should "take all steps necessary to invalidate any inconsistent fuel economy requirements imposed by CARB, including its ban on sales of internal combustion engines."

California's latest rule package, known as Clean Cars II, is more aggressive in combating emissions than the Biden administration regulations. It will require that 35% of new light- duty vehicles sold in 2026 produce zero emissions. By 2035, the requirement will rise to 100%. So far, 11 states and the District of Columbia have committed to adopting the standard.

Virginia's Republican Gov. Glenn Youngkin recently announced he was reversing his state's commitment to the standard, though Democratic lawmakers have disputed his ability to do so.

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States that have committed to any CARB standards, including past ones, represent about 40% of new vehicle registrations in the United States, per the agency. Anderson, the CEO of Anderson Economics, warned that strong divergence between rules applying in those states vs. non-adopters would create two separate domestic auto markets — a major headache for automakers.

Trump revoked California's waiver in 2019 during his presidency, which resulted in a legal challenge from 23 states, plus Los Angeles and New York City. The plaintiffs dismissed their complaint after Biden won the 2020 election.

The same would be likely to repeat in the event of a second Trump term, with a caveat. A federal court ruled in April that California could continue to set its own limits, which could strengthen attempts to defend the waiver.

It's unclear if it could reach a different fate in a widely speculated appeal to the Supreme Court, which is the second wild card.

The court agreed last year to take up a case that could spell an end to the so-called Chevron doctrine, a longstanding norm wherein agencies are allowed to craft regulations using reasonable interpretations of unclear statutes. The impact of that move would be monumental, potentially upending decades of existing regulatory policy — on emissions and beyond.

**Impact on automakers**

Leaders of the Detroit Three automakers have publicly acknowledged that EVs are essential to the future of the auto industry and have committed to moving their businesses in that direction. Even if the pressure for EV growth in the United States weakens under a second Trump administration, the march towards EVs will continue around the world.

The European Union, which has a smaller but still sizable auto market compared to the United States, continues to see higher levels of EV adoption, according to data from the International Energy Agency. And as EV growth continues, newer Chinese automakers like BYD Ltd. Co. and SAIC Motor Corp. Ltd. have emerged as top competitors, and sometimes even collaborators, with U.S. automakers for EV sales.

Those trends would be at odds with a Trump administration leaning into gas-powered cars for the still-important, still-lucrative U.S. market.

"If you are sort of a laggard on EVs as a company — and I won't name names — that respite helps you. But if you're one who charged ahead and made huge capital investment in bringing out EV models, it hurts you. You've made what economists call a stranded investment," said Erik Gordon, a law and business professor at the University of Michigan's Ross School of Business.

Efforts to keep pace in the United States have been rocky. Ford Motor Co. is losing more than $100,000 for every EV it produces. General Motors Co. said late last year — before slower EV sales so far this year — that it wouldn't turn a profit on EVs until 2025. Stellantis NV, for its part, only just started selling fully electric vehicles stateside. But CEO Carlos Tavares has said the company remains committed to reaching 50% EV sales in the United States by 2030.

For Ford and GM, the transition to EVs has cost them billions of dollars in a trade that — they hope — exchanges painful but temporary losses for long-term viability. But the longer companies can get away with mainly gas-powered fleets with higher profit margins, the worse that trade might look.

Anderson gave a similar assessment and did name names. He highlighted booming profits at companies like Toyota Motor Corp. and Honda Motor Co. that have focused on hybrid vehicles and moved slowly on electric ones.

"Toyota and Honda never completely drank the EV Kool-Aid, right?" he said. "They, particularly Toyota, suffered shareholder revolts in which activist shareholders from California and New York attempted to remove their chairman over his alleged failure to understand the coming EV boom. And now Toyota looks like they were the geniuses all along."

One benefit of any regulations, Gordon explained, is that they create a level playing field for competitors in a market. Uncertainty around whether they will stick creates a difficult environment where companies compete less on the quality of their products, while still meeting particular standards, and more on what products will be allowed.

"That kind of swinging back and forth is really very hard," said Dudley, the Bush administration regulatory expert. "The uncertainty can be terrible."

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