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Slotkin joins Senate Republicans in rejecting California ban of gas-powered cars

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Congress has approved a resolution rejecting a waiver granted to California by former President Joe Biden's administration that would have allowed that state and possibly others [to ban the sale of new gasoline-powered cars, trucks and sport-utility vehicles by 2035](#).

But the fight over whether Congress' decision to do so — or President Donald Trump's efforts to stop California in its effort to block the sale of vehicles with internal combustion engines as a means of reducing greenhouse gases — is legal, is just beginning.

"We intend to sue the Trump administration," [California Attorney General Rob Bonta said](#) at a news conference on May 22. "This is unprecedented."

Earlier in the day, the U.S. Senate voted 51-44 in favor of a resolution already passed in the House to turn back the Biden administration waiver granted to California by the Environmental Protection Agency (EPA) [about a month before Biden](#) left office this January. That waiver [allows the state to move ahead with a program requiring an increasing share](#) of new cars, trucks and SUVs sold to be zero emission or otherwise penalize automakers.

Both congressional chambers passed the resolution after Trump's new EPA head, Lee Zeldin, [asked for a legislative review](#) under a law — the Congressional Review Act, or CRA — that allows the House and Senate to reject some agency-finalized rules within 60 business days of their being notified.

The Senate vote was largely along party lines with Republicans in favor of rejecting the waiver and Democrats against doing so. The one exception was [Democratic U.S. Sen. Elissa Slotkin, of Michigan](#), who voted in favor of the resolution and against the waiver, saying she was doing so because she has "a special responsibility to stand up for the more than 1 million Michiganders whose livelihoods depend on the U.S. auto industry."

Noting that several other states are also allowed to follow California's greenhouse gas waivers under amendments to the Clean Air Act, Slotkin, who was elected last year, said she has to acknowledge market forces and the reality facing the auto industry. "As of today, not a single one of these states is anywhere near complying with California's requirements (for sales of zero-emission vehicles) and some are even reversing course. That means car manufacturers, including the Detroit Three, will be forced to eventually stop the sale of gas-powered cars in these states or pay competitors, particularly Tesla, for credits to remain compliant."

Automakers, through the Alliance for Automotive Innovation, a Washington trade group, had argued that the California waiver and a [ban on gasoline-powered new cars was not realistic](#) in the given time frame and have long advocated for a single national standard over a patchwork of rules. Slotkin's Senate colleague from Michigan, Democrat Gary Peters, who is stepping down at the end of the current term, voted against the resolution and for the waiver.

About [23% of California's market was electric vehicles](#) last year. The state's program calls for that to be 35% for model year 2026 vehicles and [68% by the end of the decade](#), despite a slowdown in sales of EVs nationally, though the resolution by Congress leaves in doubt what happens next to those targets.

Zeldin put out a statement saying the resolution, once signed by Trump, "not only prevents California from implementing their attempt at EV mandate actions but ensures that they can never do something similar again." Bonta, noting that California has had dozens of waivers approved under the Clean Air Act regulations, said the state would sue over the "unlawful and unprecedented" use of the 29-year-old CRA to upend this one.

Bonta said Trump was using the CRA unlawfully to "penalize" California.

With Republicans in the majority in both legislative chambers and only a simple majority required to pass a resolution overturning a rule under the CRA (rather than a 60-vote supermajority needed for most votes in the Senate), there was little doubt the resolution would pass. But there remained clear questions as to whether California's waiver, granted under provisions in the Clean Air Act, was ever intended to be subject to review under the CRA.

The Government Accountability Office (GAO) [had previously found that the waivers granted to California and the other states under the Clean Air Act provisions weren't reviewable](#) under the CRA.

Neither the Senate nor the House ended up accepting that interpretation from the GAO, however, leaving in question whether the resolution, which is certain to be signed by Trump, will meet scrutiny in the courts once California and its Air Resources Board, files suit. This spring, after the House passed the resolution, [Democratic California Gov. Gavin Newsom said](#), "Our vehicles program helps clean the air for all Californians, and we'll continue defending it."

Newsom said at the news conference on May 22 that pollution, which California has been fighting for years even before the Clean Air Act was passed, is ["an act of theft against our kids and grandkids."](#)

Trump and his Republican allies have been aggressively attempting to eliminate efforts to promote the sale of electric vehicles or restrict the sale of vehicles with internal combustion engines, despite transportation sources being one of the leading contributors of greenhouse gases, which cause climate change.

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John Bozzella, president and CEO for the Alliance for Automotive Innovation, disagreed, saying, "The fact is these EV sales mandates were never achievable. Automakers warned federal and state policymakers that reaching these EV sales targets would take a miracle, especially in the coming years when the mandates get exponentially tougher."

"By the way, the problem really isn't California," Bozzella added. "It's the 11 states that adopted California's rules without the same level of readiness for EV sales requirements of this magnitude."

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