



**JOINT LEGISLATIVE COMMITTEE ON CLIMATE CHANGE POLICIES AND
SELECT COMMITTEE ON ELECTRIC VEHICLES AND CHARGING
INFRASTRUCTURE**

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10:30am – Collins Conference Room, James West Alumni Center at UCLA

California's Un-waivering Commitment to Electric Vehicle Deployment

- Innovative technologies, ambitious policies, and bold investments have combined to make California a national and global leader on electric vehicles (EVs).
- The revocation of several of California's Clean Air Act waivers, which have historically enabled the state to enact more stringent vehicle emissions rules than federal standards, is the subject of ongoing litigation but has nonetheless added uncertainty to California's prospects for rapid EV deployment.
- California has taken significant action to continue to support EV deployment, including creating the MyFirstEV incentive and continuing to invest in EV charging infrastructure.

Which actions should be considered to ensure that 1) EVs are affordable and convenient for Californians, and 2) EV deployment continues to reduce greenhouse gas emissions and improve air quality in California?

California's Environmental Leadership

California is a national and global leader in environmental policy.¹ Following the passage of AB 32 (Nuñez & Pavley, 2006), California has adopted a series of increasingly ambitious greenhouse gas (GHG) emissions reduction targets. AB 1279 (Muratsuchi, 2022), the most recent bill to update these targets, committed to reaching statewide carbon neutrality and an 85% GHG emissions reduction from 1990 levels by no later than 2045.

According to the California Air Resources Board's (CARB) most recent GHG emission inventory, the transportation sector accounted for 38% of GHG emissions in 2024, making

¹ Next10; "Twenty Years of AB 32: California's Landmark Climate Law and Its Legacy"; September 2026; p49-53; https://www.next10.org/sites/default/files/2026-09/n10_AB-32_final.pdf.

transportation the largest source of emissions in the state.² 11% of California's GHG emissions are produced by refineries or oil and gas operations. When upstream industrial emissions related to oil extraction and transportation fuel refining are included, the transportation sector accounts for approximately half of California's statewide GHG emissions.³ California's level of zero-emission vehicle (ZEV) adoption, which are primarily electric vehicles (EVs), indicates that the state has entered the mid-transition phase of decarbonizing the transportation sector. How quickly California transitions will largely depend on the rate of EV adoption and the continued build-out of EV charging infrastructure.⁴ According to a study cited in the 2022 Scoping Plan Update, achieving carbon neutrality in the transportation sector is expected to save Californians \$167 billion through 2045.⁵ Light-duty passenger vehicles account for more than half of California's statewide annual gasoline usage and are well-suited for transitioning to ZEVs. According to CARB's 2022 Scoping Plan Update, the Advanced Clean Cars II (ACCI) regulation serves as the primary mechanism to promote ZEV deployment in California.⁶ ACCII, which requires an escalating percentage of light-duty vehicle sales to be zero-emission,⁷ has been projected to reduce 50% of GHG emissions and 20% of fine particulate matter from light-duty vehicles by 2040.⁸

One key piece of California's emissions reduction strategy in the transportation sector is the state's ability to set emissions standards that are stricter than federal standards by securing waivers under the federal Clean Air Act, commonly referred to as California's "waiver authority".⁹ California's waiver authority was written into the Clean Air Act in acknowledgement of the state's unique history of air quality challenges and prior efforts to reduce air pollution from vehicles.¹⁰ Since 1967, California has submitted more than 100 waiver requests to the US Environmental Protection Agency (US EPA), nearly all of which have been approved.¹¹ Prior to 2025, a Clean Air Act waiver had never been revoked.¹²

² California Air Resources Board (CARB); "Current California GHG Emissions Inventory Data"; <https://ww2.arb.ca.gov/ghg-inventory-data>.

³ CARB; "2022 Scoping Plan for Achieving Carbon Neutrality"; December 2022; p55; <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>.

⁴ California Energy Commission (CEC) and CARB; "Draft California Transportation Fuels Transition Plan"; May 2026; p16-17; <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269790-1>.

⁵ CARB; "2022 Scoping Plan for Achieving Carbon Neutrality"; December 2022; p9.

⁶ CARB; "2022 Scoping Plan for Achieving Carbon Neutrality"; December 2022; p185.

⁷ Natural Resources Defense Council (NRDC); "The Facts About the Advanced Clean Cars Standards"; January 2023; <https://www.nrdc.org/bio/kathy-harris/facts-about-advanced-clean-cars-standards>.

⁸ CARB; "Advanced Clean Cars II Regulations Fact Sheet"; April 2025; https://www.veloz.org/wp-content/uploads/2025/05/CARB-ACC-II_Fact-Sheet1.pdf.

⁹ US Environmental Protection Agency (US EPA); "Vehicle Emissions California Waivers and Authorizations"; Last updated July 2026; <https://www.epa.gov/regulations-emissions-vehicles-and-engines/vehicle-emissions-california-waivers-and-authorizations>.

¹⁰ CARB; "Pollution standards authorized by the California waiver: A crucial tool for fighting air pollution now and in the future"; September 2019; <https://ww2.arb.ca.gov/resources/fact-sheets/pollution-standards-authorized-california-waiver-crucial-tool-fighting-air>.

¹¹ Congressional Research Service; "California and the Clean Air Act (CAA) Waiver: Frequently Asked Questions"; May 2025; https://www.congress.gov/crs_external_products/R/PDF/R48168/R48168.5.pdf; p5-6.

¹² CARB; "California & the Waiver: The facts"; September 2019; <https://ww2.arb.ca.gov/sites/default/files/2019-09/California-Waiver-Background-Legal-091719A.pdf>.

Federal Actions to Obstruct EV Deployment

In May 2025, Congress passed joint resolutions under the Congressional Review Act (CRA) to revoke three of California's Clean Air Act waivers,¹³ which were subsequently signed by President Trump in June.^{14,15} One of the waivers authorized the implementation of the Advanced Clean Cars II regulation, which is a core piece of California's strategy to reduce transportation emissions.^{16,17} The Government Accountability Office, a nonpartisan office responsible for providing information to Congress, as well as the US Senate Parliamentarian, have stated that California's Clean Air Act waivers are not subject to the Congressional Review Act.^{18,19} The finding that Clean Air Act waivers are not subject to the CRA has been echoed by legal experts, who have concluded that the use of the CRA to revoke the waivers is unlawful.^{20,21} In response to the use of the CRA, California and ten other states filed a lawsuit challenging the use of the CRA to disapprove California's waivers.²²

While the litigation over the legality of this use of the CRA is ongoing, the federal actions have clearly added a degree of uncertainty to California's plan to reduce emissions from the transportation sector through regulation. The federal government has taken additional steps to stymie EV deployment nationally, including eliminating the federal EV tax credit²³ and weakening fuel efficiency standards for new vehicles.²⁴ The Trump administration attempted to withhold federal funding for EV charger installation through the National Electric Vehicle Infrastructure (NEVI) program,²⁵ but was forced to release the funding following a lawsuit filed by California and sixteen other states.²⁶

¹³ The waivers related to California's Advanced Clean Trucks regulation, the "Omnibus" Low NOx regulation, and the Advanced Clean Cars II regulation.

¹⁴ Jenner & Block LLP; "California Vehicle Waiver: Congressional Review Act Showdown"; June 2025; <https://www.jdsupra.com/legalnews/california-vehicle-waiver-congressional-4758850/>.

¹⁵ The New York Times; "Trump Blocks California E.V. Rules in Latest Move to Rein In the State"; June 2025; <https://www.nytimes.com/2025/06/12/us/california-trump-electric-vehicle-waiver.html>.

¹⁶ CARB; "Advanced Clean Cars"; <https://ww2.arb.ca.gov/our-work/programs/drive-forward-light-duty-vehicle-program/advanced-clean-cars>.

¹⁷ NRDC; "The Facts About the Advanced Clean Cars Standards"; January 2023; <https://www.nrdc.org/bio/kathy-harris/facts-about-advanced-clean-cars-standards>.

¹⁸ Jenner & Block LLP; "California Vehicle Waiver: Congressional Review Act Showdown"; June 2025.

¹⁹ Ann Carlson; "Senate Parliamentarian Confirms that California Waivers Are Not Subject to the Congressional Review Act"; April 2025; <https://legal-planet.org/2025/04/04/senate-parliamentarian-confirms-that-california-waivers-are-not-subject-to-the-congressional-review-act/>.

²⁰ Ann Carlson & Mary Nichols; "The Trump Administration Is Trying an End Run Around Revoking California's Car and Truck Rules"; February 2025; <https://legal-planet.org/2025/02/17/the-trump-administration-is-trying-an-end-run-around-revoking-californias-car-and-truck-rules/>.

²¹ Dan Farber; "The Lingering Legal Issue of California's Limits on Vehicle Emissions"; November 2025; <https://legal-planet.org/2025/11/13/saving-californias-limits-on-vehicle-emissions/>.

²² Jenner & Block LLP; "California Vehicle Waiver: Congressional Review Act Showdown"; June 2025.

²³ Los Angeles Times; "What killing tax credits means for the electric vehicle market"; July 2025; <https://www.latimes.com/business/story/2025-07-07/what-killing-tax-credits-means-for-the-electric-vehicle-market>.

²⁴ National Public Radio (NPR); "The Trump administration weakens fuel efficiency standards for new cars"; September 2026; <https://www.npr.org/2026/09/28/nx-s1-5918509/car-fuel-efficiency-cape-standards-rollback>.

²⁵ NPR; "Trump administration pauses \$3 billion marked for electric vehicle charging stations"; February 2025; <https://www.npr.org/2025/02/07/nx-s1-5289922/trump-transportation-department-ev-charging-halt>.

²⁶ Los Angeles Times; "Trump is trying to terminate EVs in California. Is that even possible?"; September 2026; <https://www.latimes.com/environment/story/2026-09-04/why-trumps-rollbacks-havent-stopped-californias-electric-vehicle-transition>.

California's Actions and Options to Accelerate and Support EV Deployment

In June 2025, Governor Newsom signed Executive Order N-27-25, which reaffirmed California's commitment to reducing GHG, smog-forming, and toxic pollutant emissions through the rapid deployment of ZEVs. The Executive Order directed certain state agencies to assess and pursue additional actions to advance ZEV adoption, including opportunities to partner with international and multistate coalitions.²⁷

Perhaps the most visible action following the Executive Order is the MyFirstEV incentive program, which was launched in August 2026 and has already been utilized by more than 12,000 Californians to purchase their first EV.^{28,29} MyFirstEV is funded through a one-time appropriation of \$135.5 million in the 2026-27 state budget and, according to CARB's projections, could incentivize the purchase of more than 70,000 ZEVs in total (both battery electric and fuel cell electric vehicles are eligible).³⁰ First-time EV buyers can receive a \$3,500 discount on new EVs or \$1,750 on used EVs at the point of sale, a notable change from the structure of previous incentive programs that required buyers to apply for a reimbursement after purchase. Half of each incentive is funded through the state budget appropriation, while the other half is covered by the 16 participating auto manufacturers.^{31,32} The MyFirstEV incentive applies to new EVs with a manufacturer's suggested retail price of \$50,000 or less, with an exception for EVs produced by California-based companies, or to used EVs priced at \$25,000 or less.

California has continued to make significant investments in EV charging infrastructure. There are currently over 200,000 public and limited access Level 2 EV charging ports in California, nearly three times the number of charging ports that were available in 2023 (approximately 72,000) and significantly more EV charging ports than the total number of gasoline nozzles in the state.^{33,34} The CEC recently approved a plan to invest \$95 million in ZEV infrastructure, more than \$78 million of which could be used to support EV charging.³⁵

²⁷ Governor Gavin Newsom; "Executive Order N-27-25"; June 2025; https://www.gov.ca.gov/wp-content/uploads/2025/06/CRA-Response-EO-N-27-25_-bl-formatted-GGN-Signed-6-11-954pmFinal.pdf.

²⁸ California Climate Investments; "MyFirstEV"; <https://www.caclimateinvestments.ca.gov/myfirstev>.

²⁹ Governor Gavin Newsom; "Governor Newsom helps nearly 12,000 Californians switch to electric cars, leaving Trump's skyrocketing gas prices in the rearview mirror"; October 2026; <https://www.gov.ca.gov/2026/10/16/governor-newsom-helps-nearly-12000-californians-switch-to-electric-cars-leaving-trumps-skyrocketing-gas-prices-in-the-rearview-mirror/>.

³⁰ CARB; "MyFirstEV: Frequently Asked Questions"; <https://ww2.arb.ca.gov/resources/fact-sheets/myfirstev-frequently-asked-questions>.

³¹ CARB; "MyFirstEV: Participating Manufacturers"; Updated September 2026; <https://ww2.arb.ca.gov/myfirstev-participating-manufacturers>.

³² Los Angeles Times; "California is bringing back EV rebates. This is how to get one"; July 2026; <https://www.latimes.com/business/story/2026-07-03/california-is-bringing-back-ev-rebates-this-is-how-to-get-one>.

³³ CEC; "Assembly Bill 2127 Third Electric Vehicle Charging Infrastructure Assessment: Assessing Charging Needs to Support Zero-Emission Vehicles in California"; October 2026; p7; <https://www.energy.ca.gov/sites/default/files/2026-10/CEC-600-2026-032.pdf>

³⁴ CEC; "California Exceeds 200,000 Electric Vehicle Chargers"; September 2025; <https://www.energy.ca.gov/news/2025-09/california-exceeds-200000-electric-vehicle-chargers>.

³⁵ CEC; "CEC Approves \$95 Million Plan to Expand ZEV Infrastructure"; August 2026; <https://www.energy.ca.gov/news/2026-08/cec-approves-95-million-plan-expand-zev-infrastructure>.

In response to the Executive Order, the relevant agencies³⁶ published a list of recommended actions to continue to support EVs in California.³⁷ The list of recommendations includes the following:

- Explore opportunities to reinstate high-occupancy vehicle lane access for ZEVs and provide free or discounted access to express lanes as non-monetary incentives to purchase a ZEV.
- Improve charging price transparency and payment method flexibility at public EV chargers.
- Reduce delays in EV charger installation through permit streamlining and the use of flexible service connections to the electric grid, a recommendation which has received support from the zero-emission transportation industry.³⁸
- Leverage vehicle-grid integration (VGI) technology to enable vehicles to power homes or export electricity back to the grid during periods of peak demand.³⁹ Establishing VGI-specific charger standards and developing dynamic electricity rates that align EV charging and discharging with grid needs could deliver savings to both EV owners and utility ratepayers.⁴⁰
- Develop and implement a statewide indirect source rule to reduce pollution from emitting vehicles (mobile sources) that frequently visit facilities such as large warehouses, ports, airports, and railyards (indirect sources).
- Utilize the California Climate Credit to reduce the cost of EV charging through the California Public Utilities Commission's ongoing proceeding to restructure the credit.⁴¹ One option being considered in that proceeding, referred to as a purely volumetric approach, would reduce the per-unit cost of electricity for residential customers of investor-owned utilities,^{42,43} thus reducing the cost of charging an EV at home.

The list of policy and funding recommendations put forward in response to Executive Order N-27-25 is by no means exhaustive. The California Legislature passed multiple bills in 2026 to support EVs and EV charging, including measures to improve price transparency for

³⁶ CARB, CEC, the Governor's Office of Business and Economic Development (GO-Biz), California State Transportation Agency (CalSTA), and Department of Consumer Affairs (DCA).

³⁷ CARB, CEC, GO-Biz, CalSTA, and DCA; "Report to the Governor in Response to Executive Order N-27-25 on Zero-Emission Vehicle Deployment"; August 2025; https://ww2.arb.ca.gov/sites/default/files/2025-08/August%202025%20Report%20to%20the%20Governor%20in%20Response%20to%20Executive%20Order%20on%20ZEV%20Deployment%20FINAL_0.pdf

³⁸ Various; "California ZEV Industry Recommendations For Executive Order N-27-25"; <https://www.politico.com/f/?id=00000198-5345-d5ca-af99-73655fb70000>.

³⁹ Various; "California ZEV Industry Recommendations For Executive Order N-27-25".

⁴⁰ CEC; "Assembly Bill 2127 Third Electric Vehicle Charging Infrastructure Assessment: Assessing Charging Needs to Support Zero-Emission Vehicles in California"; October 2026; p24.

⁴¹ California Public Utilities Commission (CPUC); "Rulemaking 25-07-013 – Proceeding"; <https://apps.cpuc.ca.gov/apex/f?p=401:56>.

⁴² CPUC; "Assigned Commissioner's Ruling Providing Direction and Setting the Phase 1B Procedural Schedule – Rulemaking 25-07-013"; June 2026; <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M609/K606/609606098.PDF>.

⁴³ Meng & Prasad; "Using California's Cap-and-Trade Revenue to Lower Electricity Prices"; May 2025; <https://emlab.ucsb.edu/sites/default/files/documents/emlab-policy-brief-ca-cap-and-trade-energy-affordability.pdf>

zero-emission trucks and address barriers to EV charger installation.^{44,45} A wide variety of ideas have been proposed to continue California's progress on EV deployment. These proposals range from reframing the EV transition as primarily an issue of coordinated industrial policy,⁴⁶ to recalibrating zero-emission truck incentives to close the cost-of-ownership gap with conventional trucks,⁴⁷ to allowing curbside EV charging by running an extension cord across a sidewalk.⁴⁸

⁴⁴ NRDC; "California's 2026 Legislative Priorities: End-of-Session Wrap-Up"; October 2026; <https://www.nrdc.org/media/californias-2026-legislative-priorities-end-session-wrap>.

⁴⁵ Ted Lamm; "Some (Very) Modest Progress on EV Charging Policy"; November 2025; <https://legal-planet.org/2026/09/29/some-very-modest-progress-on-ev-charging-policy/>.

⁴⁶ Segall & Moriarty; "The EV Transition as State Level Economic Policy: Paths for the States to Rebuild U.S. Transport Electrification Momentum"; July 2026; p57-58; https://studentorgs.kentlaw.iit.edu/ckjeel/v15i1_spring2026_2_segall_moriarty/.

⁴⁷ Dhole, Fulton, Hwang & Segall; "Promoting Affordable Access to Zero Emission Trucks: A Total Cost of Ownership (TCO) Based Approach to a Zero Emission Truck Incentive Program"; December 2025; <https://escholarship.org/content/qt6zt5110c/qt6zt5110c.pdf>.

⁴⁸ Lamm & Johnson; "Low-cost Innovation in Residential EV Charging – City Policies Enabling Cords in the Public Right-of-Way"; April 2025; https://clec.berkeley.edu/wp-content/uploads/archive/2025/12/Residential-EV-Charging-Cords-in-the-PROW_Apr-2025.pdf