



ALLIANCE for CONSUMERS

February 21, 2024

I am the Executive Director of Alliance For Consumers, a consumer advocacy organization. I write today in response to Climate Power's recent demand that you to censor advertisements by the American Fuel & Petrochemical Manufacturers that discuss proposed federal regulations relating to tailpipe emissions and the future composition of the domestic passenger vehicle fleet.

You must not let Climate Power hijack your airwaves, and mandate that one viewpoint prevail on a topic of heat and ongoing public debate.

At Alliance For Consumers, we regularly comment on the effects of government mandates on the lives of everyday consumers because, to an ever-greater degree, everyday consumers have become pawns as policymakers in places like California and Washington D.C. work to impose progressive lifestyle choices by removing large swaths of existing products from the market.

The new proposed EPA rules for passenger vehicles are a prime example. Make no mistake, this is a proposal to forcibly remove from the market a majority of the cars that everyday consumers currently buy and use. [According to the EPA](#), “the proposed standards are [] projected to accelerate the transition to electric vehicles.” And, despite less than 2% of the current cars on the road being electric vehicles, the path to compliance that EPA chose to highlight features nearly 70% of the passenger car market shifting to battery electric vehicles. See [EPA Fact Sheet](#), “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles,” Apr. 2023, at 5.¹

We have been fierce critics of the EPA's proposal and last year [filed comments with the EPA](#) that unequivocally spoke against what we believe to be an “unlawful EV mandate”:

The current EPA proposal is an unlawful EV mandate masquerading as a tailpipe regulation. That is the only conclusion that a disinterested observer or everyday consumer could reach, given how the proposal was promulgated, the limits that have been proposed, and the commentary surrounding its release.

While an extreme EV mandate might be popular in progressive enclaves, and with federal employees who live in Washington, D.C., a rapid shift to electric vehicles along the lines proposed by EPA here will make lives worse for everyday consumers while costing them more for the privilege of having their lives inconvenienced.

¹ Indeed, the EPA Fact Sheet for the proposal focuses throughout on electric vehicle technology as the critical aspect of the proposal. See, e.g., EPA Fact Sheet, “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles,” Apr. 2023, at 1 (highlighting EV technologies and support for a “rapid shift away from” “internal combustion engine (ICE) technologies”); *id.* at 2 (focusing on “vehicle electrification technologies” as central to proposed standards); *id.* at 6 (emphasizing electric vehicle costs and benefits throughout cost-benefit analysis section).



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Other stakeholders have also spoken against the federal efforts, with more than 3,000 car dealers [writing President Biden](#) in an effort to stop the proposed “electric vehicle mandate” at issue here:

Mr. President, it is time to tap the brakes on the unrealistic government electric vehicle mandate. Allow time for the battery technology to advance. Allow time to make BEVs more affordable. Allow time to develop domestic sources for the minerals to make batteries.

And, of course, groups like Climate Power have spoken on the proposed rules and other EV regulations in their own voice with a viewpoint that is more favorable to EVs, disputing that there is an effort to force EVs on consumers and professing that “[no one is forced to buy an EV.](#)”

With the EPA’s electric vehicle rules under intense debate, you should not step in and police things for one side or the other.

While Climate Power has their own preferred language in this policy debate, they are not entitled to having their presentation of this issue be the only one that consumers see on the airwaves. They may dispute whether a mandate for massive EV expansion at the expense of gas-powered cars should be called a “mandate,” a “ban,” or some other term. But that preference does not give Climate Power the right to commandeer your airwaves in support of a policy effort that is failing.

Consumers have voted with their feet, [causing EV sales to stagnate](#) and leading at least one electric vehicle dealer to declare that “[it’s like the great recession of EVs right now.](#)”

And recent news leaks indicate that EPA is poised to relax certain aspects of its electric vehicle mandates in what is being deemed “[an election-year concession.](#)”

With the original EPA electric vehicle proposal teetering under pressure, it would be especially inappropriate to step in and shut down criticism of the proposals at this stage.

Put simply, do not overstep your bound and weigh in on one side in this debate. Some groups, like Climate Power, support the aggressive promotion of electric vehicles by the EPA. Other groups, like ours, believe that EPA’s aggressive approach fails to serve the interests of everyday consumers and is procedurally and substantively deficient as a matter of law.

We are calling on you to hold the line against the Climate Power pressure campaign, let this debate play out, and allow consumers to see the whole picture and reach their own conclusions.

Sincerely,

O.H. Skinner
Executive Director
Alliance For Consumers