

The Honorable Lee Zeldin
Administrator
The Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

**Public Comments for Revision of Tier 4 Criteria Pollutant Standards, Part 1: Amendments to Phase-In
Schedule for Light-Duty and Medium-Duty Vehicles
Docket ID No. EPA-HQ-OAR- 2025-3297**

The American Consumer Institute (ACI) is a nonprofit 501(c)(3) education and research organization. Its mission is to identify, analyze, and protect the interests of consumers in legislative and rulemaking proceedings. ACI supports market-driven solutions that maximize economic growth and improve consumer welfare.

ACI supports the Environmental Protection Agency's (EPA) proposal to delay the start of Tier 4 criteria-pollutant standards by two years—from model year (MY) 2027 to MY 2029 because the original Biden-era standards were based on unrealistic assumptions about rapid EV adoption and are therefore “unattainable” under current market conditions.

John Bozzella, president and CEO of Alliance for Automotive Innovation, said this about the proposal:

“This is a smart and necessary step on the Tier 4 criteria emission standards...that makes a lot of sense given current market conditions. We’ve been clear: Not only do the emission standards finalized under the previous administration remain unachievable absent significant growth in electric vehicle sales, but they would also make gas-powered vehicles more expensive.”¹

The unrealistic standards will cost consumers significantly more to purchase a car by shifting the auto industry toward electric vehicles (EV). Government mandates force specific technologies onto the public and inhibit the right to choose vehicles that best suit buyers’ lifestyles and budgets.

Delaying the Tier 4 standards would benefit manufacturers and consumers because it will restore market forces to produce cars that consumers want at prices they can afford.

¹ Alliance for Automotive Innovation, “Alliance for Automotive Innovation Statement on EPA Tier 4 Criteria Emission Proposal,” Press Release, May 14, 2026, <https://www.autosinnovate.org/posts/press-release/epa-tier-four-criteria-emission-delay>.

Background

In April 2024, the EPA published multipollutant emissions standards for light- and medium-duty vehicles pursuant to the Clean Air Act (CAA) section 202(a). These Tier 4 criteria pollutant standards require roughly 50 to 75 percent reductions in tailpipe pollutants compared to the previous Tier 3 limits (phased in between 2017 and 2025) and would begin phase-ins in Model Year 2027.

The 2024 rules were drafted assuming a high rate of market-wide EV and hybrid adoption, which would lower overall fleet emission averages. However, federal legislation in June 2025 blocked California's mandate to phase out Internal Combustion Engine (ICE) vehicle sales, which also forbid 12 other states from doing the same. [CAA section 209(a) bars states and localities from adopting or enforcing non-Federal emission standards for new motor vehicles absent a waiver.] Additionally, the One Big Beautiful Bill signed a month later effectively ended incentives for EV purchases. These actions will significantly reduce manufacturers' ability to meet the Tier 4 standards.

Due to lower-than-projected consumer demand for EVs, major automakers reduced their EV product lines. The standards are impossible to reach.

Manufacturers will continue to comply with the well-established and highly effective Tier 3 standards for MY 2027 and MY 2028 vehicles, which currently deliver substantial emissions reductions of up to 80 percent from previous standards.²

Legal Issues

The Biden administration's two crowning legislative achievements, the 2021 Infrastructure Bill and the 2022 Inflation Reduction Act (IRA), as well as attempts to regulate vehicles through the National Highway Traffic Safety Administration, illustrate the federal government's push to completely transform one of the largest sectors of the American economy. In reference to the Infrastructure Bill, then-Senate Majority Leader Chuck Schumer stated, "It's a bold new plan designed to *accelerate America's transition to all electric vehicles on the road.....* And the ultimate goal is to have *every car manufactured in America be electric* by 2030."³ (Emphasis added.)

Employing the Clean Air Act (CAA) to institute a de facto EV mandate is likely a violation of the major questions doctrine as set forth in *West Virginia v EPA* (2022), establishing that agencies cannot make "major" economic or political policy decisions without explicit and clear authorization from Congress.⁴ Completely altering vehicle fleets in attempts to change consumer behavior qualifies as a major economic and policy decision which must be sanctioned by Congress. Whether or not the rules are beyond EPA's scope is the central argument of litigation focusing on these standards.⁵

² Congressional Research Service, "Tier 3 Motor Vehicle Emission and Fuel Standards," April 28, 2014, https://www.congress.gov/crs_external_products/R/PDF/R43497/R43497.5.pdf.

³ David Blackmon, "Biden's High-cost Plan to Accelerate U.S. Adoption of Electric Vehicles," *Forbes*, March 24, 2021, https://www.forbes.com/sites/davidblackmon/2021/03/24/bidens-high-cost-plan-to-accelerate-us-adoption-of-electric-vehicles/?utm_source=substack&utm_medium=email.

⁴ *West Virginia v. Environmental Protection Agency*, 597 U.S. 697 (2022).

⁵ BakerHostetler, "Regulating Automotive Emissions: Part IV — Emissions Litigation To Watch," January 16, 2025, <https://www.bakerlaw.com/insights/regulating-automotive-emissions-part-iv-emissions-litigation-to-watch/>.

The EPA regulations lack clear statutory authority to ban or effectively eliminate gas-powered vehicles, which indirectly reshapes the entire auto industry. As a major pillar of the U.S. economy, automobiles represent America's largest manufacturing sector and contribute \$1.2 trillion annually or nearly five percent of GDP.⁶ Agencies are using regulatory backdoors to force a market outcome Congress never approved; they should not be interfering with a significant segment of the economy.

Most Americans Don't Want an EV

The price differential between an EV and ICE vehicle remains significant, with the average EV costing roughly \$6,500 more.⁷ A senior analyst with Cox Automotive recently stated, "Affordability has always been the core challenge with EV sales."⁸

EV ownership comes with other expenses. A higher price tag will translate to higher financing costs. Reports also indicate that drivers pay 49 percent more to insure EVs than gas-powered vehicles and repairs cost 22 percent more.⁹ Depreciation rates for EVs are significantly higher; EVs in the U.S. can lose as much as 60 percent of their value over three to five years, compared with less than half for traditional vehicles.¹⁰

But aside from price differences, car buyers continue to have major reservations about purchasing an EV. The limited range, inadequate charging infrastructure, and disadvantages in colder climates keep many drivers at bay.

Even with all the tax incentives once offered to potential EV buyers, EV market share in total U.S. sales barely hit double digits for the first time in 2025.¹¹ The sudden "surge" in sales, however, can be correlated to the rush to take advantage of the expiring tax break. Sales cratered after the September 30th deadline to cash in and new EV sales have been down almost 27 percent since last year.¹²

Auto dealers had been warning for years that the general public was not ready for wide-spread EV adoption. In a November 2023 letter to President Biden, nearly 4,000 dealers asked him to "tap the breaks" on the aggressive push toward EVs.¹³ Even with "deep price cuts, manufacturer incentives, and generous government incentives" these vehicles were "stacking up on our lots."

⁶ Alliance for Automotive Innovation, "Alliance for Automotive Innovation Releases New Economic Data," Press Release, January 29, 2025.

⁷ Beth Livesay, "New EV Sales Down 26.8% Since Last Year, Used Sales Up," *Kelly Blue Book*, March 19, 2026, <https://www.kbb.com/car-news/new-ev-sales-down-26-8-since-last-year-used-sales-up/>.

⁸ Sean Tucker, "Average New Car Price Drops Back Below \$50K," *Kelly Blue Book*, November 13, 2025, <https://www.kbb.com/car-news/average-new-car-price-drops-back-below-50k/>.

⁹ Aftermarket Matters, "Electric Vehicles Cost 49 Percent More to Insure Than Gas-powered Cars," September 24, 2025, https://www.aftermarketmatters.com/national-news/evs-cost-49-percent-more-to-insure-than-gas-powered-cars/?utm_source=substack&utm_medium=email.

¹⁰ Ananya Bhattacharya, "EVs are Depreciating Much Faster Than Gas-powered Cars," *Rest of World*, October 17, 2025, <https://restofworld.org/2025/ev-depreciation-blusmart-collapse/>.

¹¹ Cox Automotive, "Record High: Electric Vehicle Sales Hit 438,000 in Q3 as Buyers Rushed to Beat Expiring Incentives," October 10, 2025, [https://www.coxautoinc.com/insights-hub/q3-2025-ev-sales-report-commentary/#:~:text=As%20expected%2C%20electric%20vehicle%20\(EV,got%20people%20and%20dealers%20moving](https://www.coxautoinc.com/insights-hub/q3-2025-ev-sales-report-commentary/#:~:text=As%20expected%2C%20electric%20vehicle%20(EV,got%20people%20and%20dealers%20moving).

¹² Beth Livesay, March 2026.

¹³ Car Pro, "Nearly 4,000 Auto Dealers Send Letter to President Biden to Slow Down on EVs," November 29, 2023, <https://www.carpro.com/blog/nearly-4000-auto-dealers-send-letter-to-president-biden-to-slow-down-on-evs>.

Two months later, after no response from the administration, nearly 5,000 dealers urgently asked Biden to “hit the brakes” on a “completely unrealistic” mandate.¹⁴ Customers are not interested in EVs. The dealers raised serious concerns about “forc[ing] American consumers to buy electric vehicles at unprecedented levels.”

Dismayed the de facto EV mandate was finalized in 2024, these same dealers wrote a letter to then President-elect Trump “hoping the voice of our customers will finally be heard.”¹⁵ Lackluster EV sales continued to plague the industry.

The letter to Trump concluded with admonitions for free enterprise: “Let the consumer decide and a free market reign. Let the automobile manufacturers and dealers compete on the quality of their product and service to customers — as opposed to selling based on artificial mandates. This will lead to more choices and more affordable options.”¹⁶

EV purchasers in the U.S. tend to be wealthier Americans who love the technology and/or want one as a second vehicle.¹⁷ Consumer interest remains flat, and surveys indicate that 46 percent of those who own one intend to switch back to internal combustion for their next vehicle purchase.¹⁸

Dealers continue to hear the same apprehensions regarding EVs from their customers: price, range anxiety, and charging concerns.

The EV Push Has Taken a Toll on Carmakers and Consumers

Both Corporate Average Fuel Economy (CAFE) standards—which set fuel efficiency regulations—and vehicle requirements through the EPA have tried to shift an entire industry and populace toward EV adoption. It has not been beneficial for anyone.

Through these stringent CAFE and EPA standards, regulators forced the hand of ICE manufacturers to purchase credits from EV manufacturers (who have met or superseded CAFE and EPA standards), pay fines, or build their own EV production line to demonstrate compliance. ICE customers pay more for their vehicles to cover the penalties incurred by manufacturers. Ford, for example, raised prices on their 2024 F150 trucks by \$1,200 – \$10,200 to absorb the \$3 billion loss from their EV line.¹⁹

¹⁴ Thanos Pappas, “Nearly 5,000 Dealers Urge Biden To Delay ‘Unrealistic’ EV Mandate In Second Letter,” *Car Scoops*, January 26, 2024, <https://www.carscoops.com/2024/01/over-4700-us-dealerships-urge-president-biden-to-rethink-ev-plan-in-second-letter/>.

¹⁵ EV Voice of the Consumer, “Thank you for hearing our customers’ voices,” Accessed December 16, 2025, <https://evvoiceofthecustomer.com/>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ McKinsey & Company, “McKinsey Mobility Consumer Pulse,” June 2024, https://executivedigest.sapo.pt/wp-content/uploads/2024/06/Mobility-Consumer-Pulse-2024_Overview.pdf.

¹⁹ Jason Isaac, Brent Bennett, and Trevor Lewis, “Behind the Wheel: The Hidden Hands Driving the EV Mandate,” American Energy Institute, March 2025, <https://americanenergyinstitute.com/docs/2025-03-EV-Mandate-Isaac-Bennett-Lewis.pdf>.

After continually losing money on electric vehicle manufacturing and sales, Ford took a \$19.5 billion accounting hit at the end of 2025 as it restructures its EV products and investments.²⁰ The F-150 Lightning truck has been canceled.

General Motors took more than a \$7 billion hit and canceled its Chevy BrightDrop Electric commercial van while also repurposing a planned electric pickup plant near Detroit to build gas-powered trucks instead.²¹ The Chevy Bolt EV will be canceled in 2027.

Stellantis is looking at a \$26 billion hit. They have canceled multiple EV programs and reworked their EV supply chains.²²

Honda's write-offs reached \$1.7 billion and is negotiating compensation for General Motors as it winds down a couple of vehicles the two automakers co-developed.²³

It is the car buyer who suffers the most from government mandates and automaker miscalculations. Forced EV production followed by abrupt program cancellations has raised prices, reduced choices, eroded trust, and destabilized the market for the average consumer. Consumers are paying for the regulatory and manufacturing whiplash, misaligned product strategies, and massive write-downs through higher vehicle costs, fewer models, and a more chaotic buying environment.

Conclusion

Delaying the Tier 4 criteria-pollutant standards is a necessary course correction that recognizes both market realities and legal constraints. The original 2024 rule relied on assumptions about rapid, widespread EV adoption that never materialized. Automakers have since incurred massive losses, canceled product lines, and raised prices on gas-powered vehicles to offset regulatory-driven costs, leaving consumers with fewer choices and higher prices. The CAA provides no clear authority for EPA to engineer a de facto EV mandate.

A two-year delay restores regulatory feasibility, respects statutory limits, and protects consumers from further economic harm. It allows manufacturers to continue meeting the effective Tier 3 standards while giving policymakers time to reassess an approach that has proven economically disruptive, legally vulnerable, and misaligned with consumer preferences. This delay is a prudent step toward a more balanced, market-driven vehicle policy that supports both environmental progress and consumer welfare.

Thank you for the opportunity to submit these comments.

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²⁰ Michael Weyland, "Ford to Record \$19.5 Billion in Special Charges as it Pulls Back on EV Plans," *CNBC*, December 15, 2025, <https://www.cnbc.com/2025/12/15/ford-ev-pullback.html>.

²¹ Mark Vaughn, "Carmakers Took a \$50 Billion Loss on EVs," *Autoweek*, February 16, 2026, <https://www.autoweek.com/news/a70360927/carmakers-50-billion-loss-on-evs/>.

²² Ibid.

²³ Ibid.