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PRESS RELEASE

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Attorney General Brown Joins Multistate Coalition to Defend California Clean Air Act Waivers

BALTIMORE, MD (January 16, 2025) – Attorney General Anthony G. Brown joined a multistate coalition of 16 attorneys general and 3 cities to defend two Clean Air Act waivers granted by the U.S. Environmental Protection Agency (EPA) that are critically important to stop climate change and protecting public health from air pollution.

The EPA's Clean Air Act waivers support California's enforcement of CARB's Advanced Clean Cars II ([ACC II](#)) and Heavy-Duty Engine and Vehicle Omnibus ([Omnibus](#)) regulations. The American Free Enterprise Chamber of Commerce is challenging the waivers in the U.S. Court of Appeals for the Ninth Circuit.

“Clean air is essential to Marylanders’ health and well-being,” **said Attorney General Brown.** “Because air pollution does not respect state lines, attorneys general from across the country must work together to reduce smog, lower greenhouse gas emissions, and keep Americans safe. Our Office will use all the resources available to us to protect Marylanders from the dangerous health impacts of poor air quality.”

Under ACC II, automakers must continue to sell an increasing number of zero-emission vehicles in California—as they have been for decades. By model year 2035, 80% of the passenger vehicles sold in California must be zero-emission, while the remaining 20% may be plug-in hybrids. The same Clean Air Act waiver allows the state of Maryland to enforce the ACC II program, which goes into effect starting Model Year 2027. The Omnibus regulation requires internal combustion (conventional) heavy-duty trucks sold in California to meet strict standards for oxides of nitrogen (NOx), which are major contributors to smog formation.

Transportation is the leading source of greenhouse gas emissions in the country, and passenger vehicles account for more than half of those transportation emissions. Motor vehicle emissions also contribute to the formation of smog, as well as particulate matter and air toxics levels, all of which are linked to premature death, respiratory illness, cardiovascular problems, and cancer, among other serious health impacts.

Section 202(a) of the Clean Air Act requires the EPA to set emission standards for air pollutants from new motor vehicles or new motor vehicle engines that cause or contribute to air pollution and endanger public health or welfare. Under the Clean Air Act, California may adopt emission requirements separately from EPA's regulations, and EPA is required to waive preemption for those requirements absent certain, limited circumstances. Last December, the EPA granted California two waivers, allowing it to enforce the ACC II and Omnibus regulations in that state, an action that is now being challenged in the U.S. Court of Appeals.

In the motion, the coalition expresses strong support for these Clean Air Act waivers, which will incentivize technological development and the production of cleaner vehicles, protecting public health while promoting economic growth. The waivers will also drastically reduce NOx and greenhouse gas emissions, both of which threaten our communities, particularly those that already bear a larger impact from pollution than others.

In filing the motion, Attorney General Brown is joined by the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington, as well as the cities of Chicago, Los Angeles, and New York.

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