H.J.Res.210: Congressional Review Act Legislation to Overturn CARB at Berth Regulation

Executive Summary:
In 2023, the Biden Administration's EPA authorized a California's Air Resources Board (CARB) regulation requiring ocean-going tankers to cut emissions while docked at California ports ("at-berth"). This dramatically expanded the state's At-Berth Regulations for cruise and containerships to also include ocean-going tankers, which are primarily used to import crude oil to the state. However, the technology needed for tankers to comply is completely different than for other vessels, doesn't reliably exist yet, and the new At-Berth requirements add hundreds of millions of dollars in new compliance cost, fines, penalties, and uncertainty to a refining industry in California that has already experienced two refinery closures in the past year. Congress must use the Congressional Review Act to undo EPA's authorization before this unworkable state mandate collides with California's already-strained fuel supply, driving sky-high fuel costs even higher across several western states.

- CARB's At-Berth Regulation (88 Fed. Reg. 72461, October 20, 2023) phases in tanker emissions-control requirements from 2025 (LA/Long Beach) to 2027 (all other CA ports) [1]. This resolution uses the Congressional Review Act to disapprove EPA's October 2023 authorization of CARB's At-Berth Regulation. That authorization is the federal action allowing California to enforce the regulation, despite a Clean Air Act preemption.
- California's refining capacity is already shrinking. The recent Phillips 66 Los Angeles and Valero Benicia closures alone remove over 20% of the state's refining capacity [4]. Californians already pay about $1.20 more per gallon than the national average [5].
- This regulation adds cost and uncertainty by requiring tanker terminals to install emissions-control technology that in many cases isn't commercially available, adding unnecessary expense to an industry that's already exiting the state [2].
- California refineries also supply military-grade jet fuel, gasoline, and diesel to U.S. installations in the state, which used an estimated 10 million gallons of gasoline in 2024 [3]. Recent closures are already projected to cut jet fuel production by at least 600,000 gallons a day [3].
- California's container vessel fleets have already been continuously regulated by the state of California since prior rules were authorized by EPA in 2011. These fleets also opposed the EPA authorization in 2023 and instead supported the continued application of the prior approved At Berth regulations which reduced diesel emissions by 88% [6].

Congress should disapprove EPA's authorization of this regulation under the Congressional Review Act. Doing so removes one more cost driver from a fuel supply already strained by refinery closures, rising prices, and military fuel demand.

Cosponsors:

- Reps. James Gallagher, Nick Begich, Ken Calvert, Randy Weber, Wesley Hunt

Endorsements:

- American Fuel and Petrochemical Manufacturers (AFPM)
- American Petroleum Institute (API)
- National Association of Manufacturers (NAM)
- Western States Petroleum Association (WSPA)