

United States Senate

August 26, 2024

The Honorable Lina M. Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Chair Khan:

We demand the Federal Trade Commission (FTC) develop guidelines to ensure electric vehicles (EVs) are not deceptively advertised as zero-emission vehicles to American consumers.

On February 7, 2024, the Advertising Standards Authority (ASA)—the United Kingdom’s advertising regulator—banned carmakers from referring to EVs as “zero-emission vehicles” unless the advertisement makes clear the designation is only true while the car is being driven.¹ The FTC should develop similar standards to limit untruthful claims of zero-emission vehicles.

Most EVs today use lithium-ion batteries, made of lithium, nickel, cobalt, manganese, and graphite. Mining these minerals is a carbon-intensive process that utilizes extensive land, water, and energy resources. For every one pound of lithium mined, 3069 pounds of Carbon Dioxide (CO₂) is emitted into the air.²

According to the Department of Transportation (DOT), Americans drove an average of 36.92 miles per day in 2022, meaning an at-home EV charger would use around 11.81 kilowatt hours (kWh) per day to recharge from the miles driven.³ For perspective, the average washing machine in a U.S. household uses about 2.1 kWh per cycle.⁴ Charging an EV for daily use is roughly the same as running a washing machine five times per day. A majority of that additional power will come from non-renewable sources, as 60% of electricity generation comes from fossil fuels.⁵ Your agency must not ignore the added electricity demand an EV requires and the carbon emissions charging such a vehicle produces.

EVs may not emit CO₂ while being driven, but they emit other forms of toxic particles at a larger and faster rate than a standard internal combustion engine vehicle. They are found to be 30%

¹ Matt Oliver, *Electric cars are not “zero emission” says advertising watchdog*, YAHOO! FINANCE (Feb. 7, 2024), <https://finance.yahoo.com/news/electric-cars-not-zero-emission-125510521.html?guccounter=1>.

² Iris Crawford, *How much CO₂ is emitted by manufacturing batteries?* MIT CLIMATE PORTAL (July 15, 2022), <https://climate.mit.edu/ask-mit/how-much-co2-emitted-manufacturing-batteries#:~:text=The%20production%20process&text=Particularly%20in%20hard%20rock%20mining,are%20emitted%20into%20the%20air>

³ U.S. DEPT OF TRANSP., FED. HIGH. ADMIN., *Average Annual Miles per Driver by Age Group* (May 31, 2022), <https://www.fhwa.dot.gov/ohim/onh00/bar8.htm>; *How much electricity does an electric car use?* EV BOX, <https://evbox.com/en/ev-home-charger-electricity-usage>.

⁴ *Id.*

⁵ U.S. ENERGY INFO. ADMIN., *Frequently Asked Questions* (Feb. 29, 2024), <https://www.eia.gov/tools/faqs/faq.php?id=427&t=3>.

heavier than the average gas-powered vehicle.⁶ Because of this, the brakes and tires wear easier and faster than a standard gas-powered car. A study found that due to the extra weight EVs carry, the brakes and tires release 1,850 times more particulate matter (PM) than a modern tailpipe car.⁷ Further, EVs do not have the same tailpipe filters modern vehicles are equipped with to decrease the PM released into the atmosphere. PM pollutes the air, water, and soil—causing health problems in humans and additional environmental impacts. A greater number of EVs on the road will further increase the amount of PM circulating in the environment.


The Biden-Harris administration’s heavy-handed push for EVs conveniently ignores the environmental impacts these vehicles have. The lifecycle of an EV is far from zero-emission. While the president and vice president may wish to mislead the American people, it is the FTC’s duty to protect consumers from false and misleading advertisements. We ask the FTC to investigate how EVs are being advertised and marketed to consumers.

Thank you for your consideration, and we ask that you transmit a response detailing the FTC’s plan to develop clear standards for manufacturers and dealers to accurately advertise these vehicles no later than September 23, 2024.


Sincerely,




Joni K. Ernst
United States Senator



Mike Crapo
United States Senator



Kevin Cramer
United States Senator



Pete Ricketts
United States Senator

⁶ Nikki Main, *Electric cars release MORE toxic emissions than gas-powered vehicles and are worse for the environment, resurfaced study warns*, DAILYMAIL (March 4, 2024), <https://www.dailymail.co.uk/sciencetech/article-13155147/ev-pollution-worse-exhaust-emissions-study.html>.

⁷ *Id.*