

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF CALIFORNIA, by and through
GOVERNOR GAVIN NEWSOM,
ATTORNEY GENERAL XAVIER BECERRA,
and the CALIFORNIA AIR RESOURCES
BOARD, STATE OF COLORADO, STATE
OF CONNECTICUT, STATE OF
DELAWARE, STATE OF HAWAII, STATE
OF ILLINOIS, STATE OF MAINE, STATE
OF MARYLAND, COMMONWEALTH OF
MASSACHUSETTS, PEOPLE OF THE
STATE OF MICHIGAN, STATE OF
MINNESOTA, STATE OF NEVADA, STATE
OF NEW JERSEY, STATE OF NEW
MEXICO, STATE OF NEW YORK, STATE
OF NORTH CAROLINA, STATE OF
OREGON, COMMONWEALTH OF
PENNSYLVANIA, STATE OF RHODE
ISLAND, STATE OF VERMONT,
COMMONWEALTH OF VIRGINIA, STATE
OF WASHINGTON, STATE OF WISCONSIN,
DISTRICT OF COLUMBIA, CITY OF LOS
ANGELES, CITY OF NEW YORK, CITY
AND COUNTY OF SAN FRANCISCO, and
CITY AND COUNTY OF DENVER,

Petitioners,

v.

ANDREW R. WHEELER, in his official
capacity as Administrator, United States
Environmental Protection Agency; UNITED
STATES ENVIRONMENTAL PROTECTION
AGENCY; ELAINE L. CHAO, in her official
capacity as Secretary, United States Department

No. _____

of Transportation; UNITED STATES
DEPARTMENT OF TRANSPORTATION;
JAMES C. OWENS, in his official capacity as
Acting Administrator, National Highway Traffic
Safety Administration; NATIONAL
HIGHWAY TRAFFIC SAFETY
ADMINISTRATION,

Respondents.

PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 7607(b)(1) (Clean Air Act § 307(b)(1)), 49 U.S.C. § 32909(a)(1), Rule 15 of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, the States of California, by and through Governor Gavin Newsom, Attorney General Xavier Becerra, and the California Air Resources Board, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, the Commonwealths of Massachusetts, Pennsylvania, and Virginia, the People of the State of Michigan, the District of Columbia, the Cities of Los Angeles and New York, the City and County of San Francisco, and the City and County of Denver (collectively, Petitioners) hereby petition this Court for review of the final actions of Respondents United States Environmental Protection Agency and Administrator Andrew R. Wheeler, in his official capacity, United States Department of

Transportation and Secretary Elaine L. Chao, in her official capacity, the National Highway Safety Administration and Acting Administrator James C. Owens, in his official capacity, set forth in the Federal Register notice published at 85 Fed. Reg. 24,174 (Apr. 30, 2020) and titled “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks.”

This petition also seeks review of EPA’s action titled “Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-Duty Vehicles,” set forth in the Federal Register notice published at 83 Fed. Reg. 16,077 (Apr. 13, 2018). *See* 5 U.S.C. § 704 (“A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action.”).

Dated: May 27, 2020

Respectfully Submitted,

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I hereby certify that pursuant to Circuit Rule 15(a), a copy of the foregoing Petition for Review was served on May 27, 2020 by certified mail, return receipt requested, on the following:

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