

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

AMERICAN PETROLEUM  
INSTITUTE, AMERICAN FARM  
BUREAU FEDERATION, NATIONAL  
CORN GROWERS ASSOCIATION,  
and OWNER-OPERATOR  
INDEPENDENT DRIVERS  
ASSOCIATION,

*Petitioners,*

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and  
MICHAEL S. REGAN, in his official  
capacity as Administrator of the United  
States Environmental Protection Agency,

*Respondents.*

Case No. 24-1208

**PETITION FOR REVIEW**

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1), Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Rule 15, Petitioners American Petroleum Institute, American Farm Bureau Federation, National Corn Growers Association, and Owner-Operator Independent Drivers Association petition this Court for review of the final action of Respondents the United States Environmental Protection Agency (“EPA”) and Michael S. Regan, in his official capacity as Administrator of the EPA, entitled “Greenhouse Gas Emissions

Standards for Heavy-Duty Vehicles—Phase 3,” published at 89 Fed. Reg. 29,440 (April 22, 2024). A copy of that final agency action is attached to this petition as Exhibit A.

EPA’s final rule exceeds the agency’s statutory authority and is otherwise arbitrary, capricious, an abuse of discretion, and not in accordance with law. *See* 5 U.S.C. §706(2)(A), (C). Petitioners accordingly ask this Court to declare unlawful and vacate EPA’s final action. *See id.* This Court has jurisdiction over this case, and venue is proper in this Court under 42 U.S.C. §7607(b)(1).

Dated: June 18, 2024

Respectfully submitted,

s/Paul D. Clement  
PAUL D. CLEMENT  
*Counsel of Record*  
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\*Supervised by principals of the firm who are members of the Virginia bar

*Counsel for Petitioners*

## **RULE 26.1 DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioners make the following disclosures:

**American Petroleum Institute (“API”)** is a national trade association that represents all segments of America’s natural gas and oil industry, which supports more than 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. API’s nearly 600 members produce, process, and distribute most of the Nation’s energy, and participate in API Energy Excellence, which is accelerating environmental and safety progress by fostering new technologies and transparent reporting. API has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in API.

**American Farm Bureau Federation (“AFBF”)** was formed in 1919 and is the largest nonprofit general farm organization in the United States. Representing about six million member families in all fifty States and Puerto Rico, AFBF’s members grow and raise every type of agricultural crop and commodity produced in the United States. AFBF’s mission is to protect, promote, and represent the business, economic, social, and educational interests of American farmers and ranchers. To that end, AFBF regularly participates in litigation. AFBF has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in AFBF.

**National Corn Growers Association (“NCGA”)** is a national trade association that represents nearly 40,000 dues-paying corn growers and the interests of more than 300,000 farmers who contribute through corn checkoff programs in their states. NCGA and its 50 affiliated state associations and checkoff organizations work together to sustainably feed and fuel a growing world by creating and increasing opportunities for corn growers. NCGA has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in NCGA.

**Owner-Operator Independent Drivers Association (“OOIDA”)** is an international trade association representing the interests of independent owner-operators and professional drivers on all issues that affect truckers, including more than 150,000 members in all 50 states and Canada who collectively own and/or operate more than 240,000 individual heavy-duty trucks and small truck fleets. OOIDA has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in OOIDA.

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*Counsel for Petitioners*

**CERTIFICATE OF SERVICE**

I certify that on June 18, 2024, I served a copy of the foregoing petition, Exhibit A thereto, and Rule 26.1 disclosure statement by United States first-class mail on the following:

Michael S. Regan, Administrator  
United States Environmental Protection Agency  
Office of the Administrator  
Mail Code 1101A  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Correspondence Control Unit  
Office of General Counsel  
United States Environmental Protection Agency  
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Washington, D.C. 20460

The Honorable Merrick B. Garland  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue NW  
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Todd Kim  
Assistant Attorney General  
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