

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

AMERICAN FREE ENTERPRISE
CHAMBER OF COMMERCE; DIAMOND
ALTERNATIVE ENERGY, LLC; ICM,
INC.; INDIANA SOYBEAN ALLIANCE;
IOWA SOYBEAN ASSOCIATION;
MINNESOTA SOYBEAN GROWERS
ASSOCIATION; NORTH DAKOTA
SOYBEAN GROWERS ASSOCIATION;
OHIO SOYBEAN ASSOCIATION; and
SOUTH DAKOTA SOYBEAN
ASSOCIATION,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

No. 24-1209

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, Rule 15(a) of the Federal Rules of Appellate Procedure, Rule 15(a) of the D.C. Circuit Rules, and the U.S. Constitution, the

American Free Enterprise Chamber of Commerce; Diamond Alternative Energy, LLC; ICM, Inc.; Indiana Soybean Alliance; Iowa Soybean Association; Minnesota Soybean Growers Association; North Dakota Soybean Growers Association; Ohio Soybean Association; and South Dakota Soybean Association (“Petitioners”) hereby petition this Court for review of the final decision of the United States Environmental Protection Agency entitled “Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3,” published in the Federal Register at 89 Fed. Reg. 29,440 (Apr. 22, 2024).

A copy of this final rule is attached as Exhibit A. This Court has jurisdiction, and venue is proper under 42 U.S.C. § 7607(b)(1).

Dated: June 18, 2024

JEFFREY B. WALL
MORGAN L. RATNER
SULLIVAN AND CROMWELL LLP
1700 New York Avenue NW
Washington, DC 20006-5215
(202) 956-7500
wallj@sullcrom.com
*Counsel for Diamond Alternative
Energy, LLC*

Respectfully submitted,

/s/ Michael Buschbacher
MICHAEL BUSCHBACHER
LAURA B. RUPPALT
BOYDEN GRAY PLLC
801 17th Street NW, #350
Washington, DC 20006
(202) 955-0620
mbuschbacher@boydengray.com
*Counsel for American Free Enter-
prise Chamber of Commerce, ICM,*

MATTHEW W. MORRISON
SHELBY L. DYL
PILLSBURY WINTHROP SHAW
PITTMAN LLP
1200 Seventeenth Street NW
Washington, DC 20036
(202) 663-8036
matthew.morrison@
pillsburylaw.com
shelby.dyl@pillsburylaw.com

Counsel for the Indiana Soybean Alliance, Iowa Soybean Association, Minnesota Soybean Growers Association, North Dakota Soybean Growers Association, Ohio Soybean Association, South Dakota Soybean Association, and Diamond Alternative Energy, LLC

Inc., and Diamond Alternative Energy, LLC

BRITTANY M. PEMBERTON
BRACEWELL LLP
2001 M Street NW
Suite 900
Washington, DC 20036
(202) 828-1708
brittany.pemberton
@bracewell.com

Counsel for Diamond Alternative Energy, LLC

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, Petitioners make the following disclosures:

American Free Enterprise Chamber of Commerce (“AmFree”) is a business league organization established in a manner consistent with Section 501(c)(6) of the Internal Revenue Code. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in AmFree.

Diamond Alternative Energy, LLC, a Texas limited liability company, is a wholly owned direct subsidiary of Valero Energy Corporation, a Delaware corporation whose common stock is publicly traded on the New York Stock Exchange under the ticker symbol VLO.

ICM, Inc. is a Kansas corporation that is a global leader in developing biorefining capabilities, especially for the production of ethanol. It is a wholly owned subsidiary of ICM Holdings, Inc., and no publicly held company has a 10% or greater ownership interest in ICM Holdings, Inc.

The Indiana Soybean Alliance is a non-profit trade association within the meaning of D.C. Circuit Rule 26.1(b). Its members are soybean farmers and supporters of the agriculture and soybean industries. It

operates for the purpose of promoting the general commercial, legislative, and other common interests of its members. The Indiana Soybean Alliance does not have a parent company, it has no privately or publicly held ownership interests, and no publicly held company has ownership interest in it.

The Iowa Soybean Association is a non-profit trade association within the meaning of D.C. Circuit Rule 26.1(b). Its members are soybean farmers and supporters of the agriculture and soybean industries. It operates for the purpose of promoting the general commercial, legislative, and other common interests of its members. The Iowa Soybean Association does not have a parent company, it has no privately or publicly held ownership interests, and no publicly held company has ownership interest in it.

The Minnesota Soybean Growers Association (“MSGA”) is a non-profit trade association within the meaning of D.C. Circuit Rule 26.1(b). Its members are soybean farmers, their supporters and members of soybean industries. It operates for the purpose of promoting the general commercial, legislative, and other common interests of its members. MSGA is a not-for-profit corporation, is not a subsidiary of any

corporation, and does not have any stock which can be owned by a publicly held corporation.

The North Dakota Soybean Growers Association (“NDSGA”) is a non-profit trade association within the meaning of D.C. Circuit Rule 26.1(b). It operates for the purpose of promoting the general commercial, legislative, and other common interests of its members. NDSGA is a not-for-profit corporation, it is not a subsidiary of any corporation, and it does not have any stock which can be owned by a publicly held corporation.

The Ohio Soybean Association is a non-profit trade association within the meaning of D.C. Circuit Rule 26.1(b). It operates for the purpose of promoting the general commercial, legislative, and other common interests of its members. The Ohio Soybean Association is a not-for-profit corporation, it is not a subsidiary of any corporation, and it does not have any stock which can be owned by a publicly held corporation.

The South Dakota Soybean Association (“SDSA”) is a non-profit trade association within the meaning of D.C. Circuit Rule 26.1(b). Its members are soybean farmers, their supporters and members of soybean industries. It operates for the purpose of promoting the general commercial, legislative, and other common interests of its members.

SDSA is a not-for-profit corporation, it is not a subsidiary of any corporation, and it does not have any stock which can be owned by a publicly held corporation.

Dated: June 18, 2024

/s/ Michael Buschbacher
Michael Buschbacher
Counsel for American Free Enterprise Chamber of Commerce, ICM, Inc., and Diamond Alternative Energy, LLC

CERTIFICATE OF SERVICE

I hereby certify that that on June 18, 2024, I will cause a true and correct copy of the Petition for Review and Exhibit A attached thereto to be served via first-class certified mail, return receipt requested, to:

U.S. Environmental Protection Agency
Correspondence Control Unit
Office of General Counsel (2311)
1200 Pennsylvania Ave., NW
Washington, DC 20460

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

The Honorable Todd Kim
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Dated: June 18, 2024

Respectfully submitted,

/s/ Michael Buschbacher

*Counsel for American Free Enterprise
Chamber of Commerce, ICM, Inc., and
Diamond Alternative Energy, LLC*